HANDBOOK FOR MASSACHUSETTS MUNICIPAL PERSONNEL BOARDS

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HANDBOOK for MASSACHUSETTS MUNICIPAL PERSONNEL BOARDS

WILLIAM G. O'HARE, JR.

BUREAU OF GOVERNMENT RESEARCH

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Foreward

This handbook has been prepared for the guidance of municipal personnel board members, for local personnel study committees and for those citizens who are interested in public personnel problems.

Its objective has been a concise and clear presentation of the basic facts which surround public personnel administration without undue simplification or weighty dependence on technical terminology.

The citizens of a municipality demand a high degree of competency in public employees, and this competency, in turn, should be recognized by the establishment of a personnel system which offers both opportunity and job security to them. Still another supporting factor for an effective personnel program is that employee compensation is ordinarily the largest item in a municipal budget, thus it is imperative that towns and cities of the Commonwealth fill their positions with the most highly qualified persons available so that the efficiency of local governments will be commensurate with their expenditures.

Since each Massachusetts municipality has its own particular "personality" there is no one "best" method of personnel administration suitable for all communities. However, in creating a personnel plan it should be kept in mind that significant numbers of municipal employees come within the scope of the state-administered civil service system. In any city or town where this is a factor, special care must be exercised to prevent the personnel ordinances and by-laws from conflicting with the provisions of the civil service law. Indeed, even in those few communities which have no employees so covered, the personnel by-law must not run contrary to state mandates. It follows then that those charged with preparation and administration of a local personnel program ought to be thoroughly conversant with the state civil service law and rules, copies of which are available from the state Director of Civil Service.

Presently more than 80 of the 351 Massachusetts cities and towns have recognized personnel agencies. Several towns are in the process of classifying their personnel and other communities have set up special committees or have employed consultants to study the matter. Public personnel administration is, therefore, receiving the considerable attention that is indicative of its dynamic rather than static nature. It is particularly fitting that this be so in Massachusetts which was one of the first states (1884) to supplant the "spoils system" with a civil service program for state employees and many categories of local employees.

The Bureau of Government Research acknowledges with gratitude the valuable suggestions and comments on the content of this manual by Mr. R. J. M. O'Hare, Town Manager, Stoughton; Mr. James H. Powers, Massachusetts Legislative Bureau; Mr. Earl Webb, member, Natick Personnel Board; Mr. Eugene Gardiner, Director of Personnel, Worcester; Mr. Robert P. Bolan, Providence, Rhode Island, and Mr. Edwin A. Gere, Jr. of the Bureau staff. Special thanks go to Mr. Thomas J. Greehan, Director, Division of Civil Service, who has permitted the use of several position specifications prepared by his staff.

Amherst, Massachusetts
October, 1958

JOHN GILLESPIE
Director

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Chapter I

BACKGROUND AND THE LAW

During the colonial era the American people experienced government along the lines of its English prototype, that is, rule by aristocracy. It was believed that by establishing the republic, rule by a special class would abruptly end. However, this did not occur for limited democracy common to the early states tended to perpetrate a new "squirearchy," for the self-styled "better people" dominated government on all levels.

With the rise of distinctly organized political parties and extension of frontier democracy to the eastern shores in the early decades of the nineteenth century, the "spoils system" began to undermine the government by the elite. This was a most natural happening for along the frontier there was good reason for an egalitarian democracy to prevail, as he who could use the axe and rifle with effectiveness was indeed the equal of his neighbor so skilled. Further, in this period most governmental positions required few special abilities or training which supported the contention that the duties could be performed equally well by either of two ordinary persons. This concept was neatly borrowed by the party leaders who felt that only through the prospect of reward in the form of "feeding at the public trough" could party stalwarts be expected to devote their every energy to winning victory at the polls. Something akin to the pillaging and looting permitted to the victorious barbarian armies of old! In some measure this was further defended by the unreasonable extension of the adage, traceable to a misapplication of an Aristotelian concept, that rotation in office was a necessary attribute to democracy. For many persons this meant *all* public offices, and it quickly became the determinant of public employment in the national, state, and larger units of local government. This idea still prevails in some jurisdictions.

In large sectors of the nation, particularly on the local and county levels, domination by a "squirearchy" was prolonged by a conscious failure to offer suitable remuneration to holders of public offices so as to render them unattractive to the rank and file citizen. Public service in this fashion became attainable only to those who could afford to serve for a pittance, niggardly fees, or nothing at all: the very contradictory of the "spoils system."

The decades following the Civil War were marked by sordid displays of gross misconduct and vicious corruption in public office, and the need for substantial improvement in personnel selection became pronounced.

The necessary spark for this desired personnel improvement, regrettably, was the assassination of a president and the subsequent popular clamor for immediate remedial action. Congress responded to the demands of an indignant and outraged American people with the Civil Service Act of 1883.

Ordinarily we date the advent of the modern personnel system with the aforementioned civil service reforms of the 1880's, when the national government and a few state governments introduced agencies for selection of personnel on the basis of examined qualifications and for their appointment with tenure. Thus the way was paved for the destruction of the "spoils system" in government.

Individual merit rather than political allegiance was to determine entrance into public service, and bipartisan commissions were charged with this responsibility. Massachusetts adopted such a method in 1884, only one year after the Pendleton Act established civil service on the national level.

Originally, the concepts guiding federal and state commissions in carrying out the mandate of the law were colored with negativism, due to the overwhelming desire to eliminate political influence. Be that as it may, an excellent purpose was served through the selection of personnel for the public service on the basis of competitive examinations for such a method elevated loyalty to the nation and to the state above that to one's political party.

It should also be noted that the lack of a qualified career service in the state government during the past 75 years would most certainly have imperiled the governance of the people and reduced public administration to a mockery. By this is not meant that the system known as "civil service" was perfect in every respect from its establishment. To meet the shortcomings exposed by the passage of time, successive modifications were made in the original Civil Service Law, particularly after 1919, and a further change came on the state level with the establishment of the Division of Personnel and Standardization in the Commission on Administration and Finance in 1922.

That the administration of a personnel system on the local government level be more fully understood, a detailed synopsis of the state system seems pertinent; also a considerable number of city and town employees are included in its coverage by the conditions set forth in General Laws, Chapter 31.

CIVIL SERVICE

The Division of Civil Service is supervised and administered by a full time Director who is appointed by the five-man Civil Service Commission for a five year term of office. The members of the Commission are appointed by the Governor with the advice and consent of the Executive Council also for five year terms of office, with the further requirements that at least one member be a representative of labor and that no more than three members be affiliated with the same political party. The Governor designates which member shall serve as Chairman. The Commission members are compensated on a per diem basis.

The Director of Civil Service is required to have had considerable experience in personnel administration prior to his appointment, and may be removed for cause by a four-fifths vote of the Commission after a

public hearing. By statute the Director is given considerable leeway in organizing the Division for the accomplishment of its mission.

In addition, a vast number of duties are imposed on the Director which to some extent will also be the responsibility of local personnel boards, including: administration and execution of the rules and laws; classification of positions in cities and towns subject to the Civil Service Law; establishment of registration sites for employment in the labor service of the Commonwealth and of cities and towns subject to civil service; the changing of job specifications in the state service in cooperation with the Division of Personnel and Standardization, determination of qualifications of applicants; conducting examinations to establish eligible lists for appointments and promotions in the official service of the Commonwealth and in the cities and towns subject to civil service; establishment of the necessary standards for the offices and positions in the official and labor service; establishment of eligible lists and certification of requisitions for eligible persons; maintenance of examination records, eligible list records, records of all persons certified for appointment, and all temporary and provisional appointments under the Civil Service Law; payroll examination; the review of contested examination grades; and submission of a monthly report to the Commission.

The Civil Service Commission has the responsibility of making the necessary civil service rules and regulations, consistent with the law and subject to the approval of the Governor and Executive Council. Such rules and regulations, administered by the director, govern the establishment of civil service classes and grades, subject to the concurrence of the Director of Personnel and Standardization, and the State Commission on Administration and Finance where the state service is concerned; the placing of offices and positions in the official and labor service; the selection of persons for appointment on the basis of examinations; promotional examinations; veterans' preference requirements; certain preferences for the blind; and intra-departmental and inter-departmental personnel transfers. The Civil Service Commission also sits as a quasi-judicial board to hear appeals of persons aggrieved by the decisions or actions of the Director.

As mentioned above, there are two major civil service categories: the official service, and the labor service. The term "official service," for which written competitive examinations are used, includes such persons as administrators, technicians, engineers, stenographers, etc. The term "labor service" is applicable to laborers, skilled laborers, mechanics, and craftsmen; and for this group practical tests are utilized.

The civil service program in Massachusetts is somewhat more complete and all-embracing than that which is found in most states because of its extension to city employees, and to the employees of towns which have accepted permissive legislation. In cities with populations in excess of 100,000 all employees in the official service are required to be under state civil service regulation as are those in the labor service. Cities of lesser population can vote to accept such coverage for their labor service; their official service must be placed under civil service. Towns with

population in excess of 5,000 are permitted to extend civil service coverage to their employees generally or by categories.

In any case, public welfare personnel handling federal funds are required to be covered and classified under civil service rules and regulations and a special board is empowered to establish their minimum compensation. (GL., c. 31, ss. 47C, 47D.)

While many of the towns have placed only their fire and police personnel under the state civil service system, they have refrained from general acceptance of the law in that once accepted it is not easily revocable. Thus, local autonomy in the matter of personnel selection, job classification and the like would thereby be restricted.

THE LAW FOR MUNICIPALITIES

This does not mean that the towns of the Commonwealth have abdicated personnel management; rather, the contrary is true. As early as 1940 the Town of Needham voted a classification and salary plan for its employees. The first comprehensive permissive legislation whereby cities and towns, by ordinance or by-law, could proceed to classify their appointive employees was enacted in 1947, and in 1954 a permissive general law allowed the consolidation of personnel ordinances and by-laws in the cities and towns into a single ordinance or by-law, as well as the establishment of a personnel board or other such agency for administrative purposes.

Although some cities acting under charter authority had earlier established personnel agencies, the present indications are that 79 cities and towns have utilized this legislation. However, most of the 312 towns of the Commonwealth continue to follow the "old fashioned" salary-fixing practices provided for under General Laws, c. 41, s. 108, in effect since 1888. This law stipulates that the salaries and wages of appointive employees shall be established by the employing boards or department heads, as soon as the annual municipal budget has been passed.

Since the personnel statutes with which we are concerned are both important and brief, it may be well to set them forth in their entirety.

The 1947 staute as amended: (G.L., c. 41, s. 108A)

> A city by ordinance and a town by by-law may establish, and from time to time amend, a plan classifying any or all positions, other than those filled by popular election and those under the direction and control of the school committee, into groups and classes doing substantially similar work or having substantially equal responsibilities. Such city or town may in like manner or in a city by vote of the city council, subject to the provisions of its charter, and in a town by vote of the town at a town meeting, establish, and from time to time amend, a plan establishing minimum and maximum salaries to be paid to employees in positions so classified, and such salary plan may provide

for the attainment of such maximum salaries by periodical step-rate increases based on length of service. Nothing in this section shall be construed to conflict with the provisions of chapter 31 (Civil Service Law). Any by-law adopted under the provisions of this section shall not be subject to section 32 of chapter 40 (Approval by Attorney General).

The 1954 Act provided that: (GL., c. 41, s. 108c)

> A town may consolidate, in a single chapter or article, all provisions of its by-laws pertaining to the administration of its personnel, including, among other things, the compensation plan established pursuant to paragraph (b) of section two A of chapter 31 (for civil service employees), the plans established pursuant to section 108A (quoted above) of this chapter (chapter 41), and any by-laws adopted pursuant to section 21A of chapter 40 (see below), and may provide by by-law for the establishment of a personnel board or other agency for the purpose of administering said plans or other provisions of its by-laws pertaining to personnel determining any questions arising thereunder, and advising the town in any matters pertaining thereto; provided, however, such consolidated by-law shall not be subject to the approval of the attorney general as provided in section 32 of chapter 40.

With respect to both position classification and compensation of civil service employees, it is wise to remember that the Director of Civil Service is empowered to: (GL., c. 31, s. 2A (b))

> Establish, with the approval of the (Civil Service) commission, classification plans for positions in every city and town which are subject to any provision of this chapter. Upon the establishment of such classification plan the director shall forthwith make such plan effective, and after the establishment of such classification it shall be final. The city or town affected thereby shall, within one year after receiving notice from the director of the effective date of such classification plan, establish a compensation plan with a minimum and maximum salary, in accordance with class and grade, for each position, but no compensation plan established hereunder shall include positions subject to section 47D (the Welfare Compensation Plan established by the State Welfare Compensation Board). No rule or regulation or change in rules or regulations shall be promulgated as a part of any such compensation plan except after a public hearing held not less than two weeks nor more than two months after notice thereof shall have been posted in a conspicuous place in the city or town hall and in at least five other convenient and conspicuous places, and shall also have been published on one or more days in one

> or more newspapers having a circulation in the town. Every notice posted shall contain . . . a copy of the proposed rule or regulation. If such rule, regulation or change therein is to be adopted by a vote of a town or by by-law, publication of the proposed rule, regulation or change in the warrant for the town meeting shall be deemed to satisfy the requirements of this paragraph.

Welfare employees may of course be included in the municipal pay plan as long as the job titles used are those prescribed by the Director of Civil Service; that the minimum salary of each class of positions is not less than the standard state-wide minimum salary prescribed therefor by the State Welfare Compensation Board; and that the city or town has not voted to accept General Laws, c. 31, s. 47E, making the step-rate increases of the State Welfare Compensation Plan mandatory in the city or town.

General Laws, c. 40, s. 21A, referred to above, was enacted by the General Court in 1951 and states that:

> A town by by-law and a city by ordinance, unless repugnant to the charter of said city, may establish the hours, days and weeks of work and the hours, days and weeks of leave without loss of pay, including, without limiting the generality of the foregoing, holiday leave, vacation leave and sick leave, for any or all employees of such town or city other than those appointed by the school committee; provided that the number of working hours, days or weeks so established shall not exceed, and the number of hours, days or weeks of leave without loss of pay shall not be less than, the number prescribed by any general or special law applicable to such city or town on the first day of January, nineteen hundred and fifty-two.

The provisions of the General Laws with respect to hours of work are set forth in Chapters 41, 48, 147 and 149; and, with certain exceptions, they call for the 40 hour week. In general these provisions are permissive hence take effect only if accepted by vote of the city council, town meeting or local voters. As a rule, such statutes contain no recision clause permitting local authorities or electors to rescind their acceptance of the law. The same is true of most of the permissive leave and vacation statutes.

With regard to three of the statutes quoted above it should be noted that a city or town does not have to vote to "accept" the statute in order to act under grant of authority provided. Consequently, no problem of recision arises.

Before passing from this introductory chapter there is still one other statutory provision, dating from 1955, which must be touched upon. It states (GL., c. 40, s. 21B) that a city by ordinance and a town by by-law may:

> . . . establish a personnel relations review board and may empower such board to adjust the grievances of all employees of such town or city other than those appointed by the school committee; provided, that such a board, by such an adjustment, shall not involve the city or town in an expenditure of money in excess of the appropriation made for the use of such board. As used in this section, the word 'grievance' shall be construed to mean any dispute between an employee of a city or town and his appointing authority arising out of an exercise of administrative discretion by such authority under the contract of employment between the employee and the city or town except a dispute concerning a change in one or more of the terms of such contract and except also a dispute which is, or upon proper appeal would be, within the jurisdiction of the civil service commission or the contributory retirement appeal board. No ordinance establishing in any city a personnel relations review board required by this section to be approved by the mayor of such city shall be amended except by ordinance likewise approved.

The manner by which a city or town may provide for a conrtibutory pension program is set forth in the statutes (GL., c. 32). The laws also cover workman's compensation insurance for laborers, workmen and mechanics in the service of local governments (GL., c. 152, ss. 69-75) and further allow the granting of such "fringe" benefits as hospitalization and group life insurance (GL., c. 32B).

These are the basic precepts for personnel management in the municipalities of Massachusetts.

A compendium of the laws governing personnel matters in Massachusetts is presented in Appendix D.

Chapter II

THE PERSONNEL PROGRAM

The proper administration of a personnel program is as essential to effective and efficient government as it is to private industry and business. Furthermore, as payment for personal services is generally the largest single item in the budgets of towns and cities, it behooves both the municipal administrators and the citizens to see to it that the best qualified persons are employed by the governments of their communities.

A well established personnel system is an important adjunct to fiscal planning and gives assurance that government services will be economically and efficiently handled. It renders better municipal management possible and in this regard alone is a worthwhile addition to a local government organization.

However, the mere adoption of a well designed personnel program is not in itself a guarantee that a workable plan has been introduced. No single policy can be labelled "best," for each town and city has its own unique situation. But for all, the personnel problem is, in essence, the staffing of government agencies.

Staffing means much more than the placing of a person in a position. Rather it implies all the necessary prerequisite steps to appointment of the most qualified person to a position in the local service, and the overall personnel policy should aim at developing a meaningful career service. To this end positions must be classified, a pay plan established, a program for recruitment and training organized, and a leave and vacation policy set forth. Further, clear provisions ought to be made for removal, promotion, transfer and retirement.

A career service cannot exist if favoritism of any sort is allowed to prevail in the municipal service. The gains flowing from a "spoils free" plan more than offset the chagrin felt by a handful of "hangers-on" looking for a soft berth in repayment of real or fancied service to an elected officer at the polls. Once the concept of a career service has been generally accepted in the town or city the pressures now made upon elected officers would dwindle without impairing the party system as we know it. However, if those charged with the development of a personnel system for a municipality fail to win popular and employee support for their proposals no effective program is possible.

To win this popular and employee support every opportunity to publicize the purposes of the program must be utilized. It must be a well-defined program which assures adequate remuneration, a precise promotion policy, well-defined fringe benefits, a definite vacation and leave program, a clear disciplinary section, and retirement provisions. It is impossible to over-emphasize the need for a comprehensive public relations program on the part of a personnel agency.

No matter how well the basic personnel program is prepared, the fact remains that it will not always be easy for cities and towns to obtain qualified persons for staffing positions in the municipalities. Many persons fear they will end up in dead-end jobs in minor departments, others lack assurance that the "spoils system" which might have prevailed in the town or city has been destroyed, and still others look upon municipal employment as lacking in prestige. There is considerable validity in these judgments and the roots from which they spring must be obliterated in full. The inefficiency of past personnel administration in cities and towns coupled with unrealistic salary standards are very real barriers to recruitment. It need also be remembered that the idea of a career service in municipal government is relatively recent in origin as compared with such service in our state and national governments.

There are several necessary hurdles confronting those who are interested in establishing a respectable municipal personnel system, and unless they are overcome there is apt to be general confusion as to the proposed aims or ends of the program. It is assumed, of course, that the town or city employs a sufficient number of persons as to make a personnel system practicable. Thereupon those charged with the program's preparation should develop the best possible basic system in keeping with the municipality's "personality." In gathering data for inclusion in the plan, no opportunity to educate the employees and public as to the need and purposes of the program should be overlooked. The principles: "a fair day's pay for a fair day's work" and "equal pay for equal work" may well prevail. Perhaps, in addition to an equitable retirement system which is a "must" in any effective system, provision for some sort of in-service training should also be included. In any event, popular support must be won and only on the merits of the proposals. An unwanted item sold under pressure conditions will bring about undesirable reactions and undermine both the product and the seller. *Caveat emptor* has no place in gaining citizen support for a program such as this.

It is, of course, the responsibility of those charged with the development of a personnel system to recognize current personnel needs and to provide for future accretions.

PROGRAM CONTENT

In keeping with the statutory requirements the personnel program ought to encompass: position classification, pay plan, methods for selection of other than civil service employees, promotion system, statement of conditions of service, provision to check payrolls to assure their agreement with the classification and pay plans, provisions for appeal of grievances, on-the-job training, and adequate records. Other provisions which are of importance to a sound program are service rating and an employee relations program.

Successful recruitment to a large measure depends on establishment of adequate qualifications for each job. In the communities which

have "locality rules" providing that only residents of the municipality are to be considered for appointment to the public service some difficulty might arise from time to time in recruiting persons, within the town or city limits, particularly those with technical training.

Perhaps the more difficult part of the program centers about job classification that is, the organizing of positions into groups or classes on the basis of required duties, responsibilities, and qualifications. A class specification must include a very definite and singular title, a detailed explanation of the duties involved, a cataloguing of typical tasks, and a statement as to the minimum qualifications needed by an incumbent.

This is made somewhat more difficult in Massachusetts by the requirements that positions covered by civil service (GL., c. 30) must be classified for all intents and purposes by the State Director of Civil Service. This is an extremely important point to bear in mind, for in reality, positions common to local government have at one time or another been classified in accordance with civil service rules and regulations, and these could well be utilized with necessary local variations when classifying positions not so covered.

An equally difficult matter is that of the pay or compensation program. It is common practice to establish a minimum of two schedules, one for salaried employees or the "official service" and another for hourly pay employees or the "labor service"; in some instances a third and separate schedule is established for the permanent members of the police and fire departments.

Classification and pay can be very real sources of conflict for employees as well as the basic causes of low or high morale among them. It is, of course, rather easy to write of a "minimum living wage," or a "just wage," but it is difficult to reduce these concepts to actual dollar terms. In any event the wages or salaries paid to employees must be sufficiently high to permit them to live in decency and health. This means that careful study must be given to existing consumer price indices such as those published by the Division of the Necessaries of Life, Massachusetts Department of Labor and Industries for the state, and by the Bureau of Labor Statistics, U.S. Department of Labor. A survey of salaries and wages paid by business and industry within the area for comparable positions is a further requirement, as is also a survey of pay schedules in cities and towns of similar size in the state. In preparing the schedules, the traditionally limited bargaining powers of public employees should be recognized.

The pay schedule should indicate the interrelationship among positions in the municipal service; indicating, as it were, the gradations of responsibility. If the pay scale is too low the city might well face an impossible task of recruiting personnel and a large financial loss from too rapid a turn-over of employees.

Promotion opportunities should be spelled out so that the workers will not be misled or inadvertently misinformed.

Those charged with drawing up the classification plan and pay schedules should scrupulously avoid the pitfall of comparing the incomparable. Ordinarily the entrance pay of a particular position should represent the minimum pay for the job and the maximum attainable in the class should be about 25 per cent higher with definitely stated step rates from the lowest to the highest pay.

The effect of the classification and pay programs on both the incumbents and the recruits should be analyzed thoroughly prior to their adoption in keeping with the precepts of the decent wage idea and in accordance with the municipality's ability to pay. This latter point must be kept foremost in mind.

Under no circumstances may the human relationships innate to any personnel system be disregarded. The success or failure of a municipality's mission is directly correlated with the morale and competency of its working force, and with the adequacy of supervision and programming.

Rules and regulations regarding regular leave, emergency leave, and sick leave should be spelled out in definite terms. This requirement also extends to rules with respect to separation from the service as caused by reduction in staff, disability, death, superannuation and discharge for incompetency.

PERSONNEL ADMINISTRATION

Cities with the mayor-council form of government generally permit the director of administrative services, as for example in Boston and Pittsfield, to function as the municipal personnel officer.

In the towns, administration of the personnel program is ordinarily vested in an appointed personnel board of varying membership and authority. (See Appendix A for a selected list.) A few towns have a rather brief by-law which grants a high degree of autonomy to the board members while other towns have incorporated practically every personnel detail within the framework of their by-laws. (See Appendices B and C for model by-laws.) It is important for each town to decide which method with local variations will assure it an effective personnel program.

A significant variation is to be found in Winchester, on the other hand, where an informal salary classification plan has been established for its municipal employees, while continuing to operate under GL. c. 41, s. 108. Simply stated, the procedure is for the personnel board to recommend a salary classification schedule for the town employees to the town's finance committee which makes this schedule the basis of the personal services appropriation items in the various departmental budgets. In keeping with a "gentlemen's agreement" between the personnel board, the finance committee, the town meeting and the departments, the department heads, in exercising their authority under GL. c. 41, s. 108, establish their employees' pay in accordance with the informal salary classification schedule. In Winchester this practice is

affirmed by a town meeting resolution to the effect that the departments ought to follow the informal schedule: the vote is merely an expression of opinion. This town's schedule includes school department personnel, something which may not be done under formal salary classification plans voted pursuant to GL. c. 41, s. 108A.

Special mention should be made at this point with reference to the so-called manager form of government, as it affects municipal personnel administration. Generally, in cities operating under either Plan "D" or Plan "E", the city manager is authorized to hire and fire, and fix the compensation of employees under his control. Such authority is always subject to existing pay and classification plans, as spelled out in the particular ordinance of the city involved. Normally, there will be a personnel department, under the direction of the city manager which performs the routine tasks of maintaining personnel records, including wage administration, and liaison with the Division of Civil Service.

In Worcester, which operates under Plan "E", the city manager is the city's personnel officer invested with the power to make appointments and removals in all departments exclusive of the school department. The personnel director, under the executive direction of the city manager, administers a comprehensive personnel management program covering approximately 3,500 employees; assists in the implimentation of personnel policies and procedures; programs and proposes organization changes; develops personnel records; co-ordinates various functions of job classification, administers the compensation plan, performance ratings, grievances; enforces the application of city-wide personnel policies, rules, and regulations.

In the towns a variety of methods of handling personnel matters is found, for each selectmen-manager act is a special act pertaining to a particular community and is tailored to the customs and traditions of that community. In the four older towns with this form of government (Norwood, Middleborough, Mansfield and Stoughton), the board of selectmen, either formally or informally, also acts as a personnel board. This is due to the fact that most of the managerial duties, including personnel, are subject to the approval of the selectmen. In some towns (e.g. Randolph and Wilmington), the town manager, although vested with the authority to act in all personnel matters without further approval from any other town agency, has appointed a personnel board or committee to handle wage and personnel matters. In the towns of Arlington and Concord, a personnel board was incorporated directly into the town manager act. In Amherst, the personnel board pre-existed the manager form of government and continued in effect after its inception.

In general, it can be stated that towns with the selectmen-manager form of government dating from its establishment in the Town of Saugus give to the town manager authority to hire and fire town employees under his supervision and fix their compensation, subject to the by-laws of the town and the statutes of the Commonwealth. Such authority

appears to be consistent with the manager plan as it exists not only in Massachusetts but in other states. The Saugus statute is mentioned as it was the first community in Massachusetts to give to the office of the town manager powers not contingent upon the action of any other board or commission of the town government.

Chapter III

POSITION CLASSIFICATION

Position classification, logically and chronologically, has primary importance in the development of a personnel system. It aims at the systematic gatherings of facts about the duties and the responsibilities that go with each position in the municipal service. Prior to its institution a searching inquiry must be undertaken to ascertain which positions are not to be classified, as for example elective offices and perhaps some or all appointive offices. By appointive offices is meant appointed members of boards and commissions and department heads rather than the positions on the echelons immediately below.

Following the identification of the positions comes their allocation to classes. Those positions alike in duties and responsibilities which require substantially the same qualifications are placed in the same class. In other words, a class represents a group of positions which are alike in several characteristics. The determination of the proper basis for classification is largely dependent on the use or uses intended for the classification. In general classification is essential to the establishment of an effective pay schedule, for the establishment of recruiting and promotional qualifications, and for the maintenance of an aggressive and competent working force. It is also a prerequisite to the determination of the direction and magnitude of class differences. Ordinarily each class is set apart from another by designating it numerically with a descriptive title, and it may contain one or several positions.

SOME DEFINITIONS

In keeping with this a few terms common to the classification process should be defined:

Position: a group of duties and responsibilities that are assigned or delegated by competent authority which require the employment of a person on a full or part-time basis.

Class: a single position, or more generally a group of positions that have duties and responsibilities so similar that same or similar requirements are demanded of incumbents; hence the same descriptive title may be used to describe each position in the group.

Grade: a subdivision of a class, including all positions with substantially identical authority, duties and responsibility, as distinct from all other grades in that class.

Class title: a descriptive name for a class and all positions in the class.

Class specification: a written description of a class that includes the essential factors and conditions that make it unique.

Series of classes: two or more classes that are similar as to type of work but differ in responsibility and difficulty.

Occupational group: a subdivision of a service embracing two or more classes or two or more series of classes in the same occupation, profession, etc. This is not essential.

Service: a convenient grouping of classes on broad lines according to general nature of duties.

The arduous task of job classification will prove advantageous to the city or town in a variety of ways. Uniform occupational terminology lessens confusion and decreases the opportunity for inequitable treatment to undermine employee morale, and it also serves as a sound base for establishing a pay plan. A classification plan tied to a definite pay plan makes budgeting for personal services easier and understandable. It is also a necessary tool for developing meaningful promotion and transfer policies and rules.

THE CLASSIFIERS

As mentioned above, the setting up of a comprehensive classification plan is the first step in creating a personnel system. It is not easy! Ordinarily questions immediately arise as to whom should be charged with the task: a local board? a consulting firm?

There are some good reasons for selecting a group of local citizens to perform the classification job, such as economy, acquaintance with the community, and awareness of the municipality's ability to underwrite the program. There are, however, somewhat weightier reasons for not using local people. First, it may be difficult to find persons in the typical town with sufficient technical experience; secondly, charges of prejudice or favoritism may reasonably or unreasonably be flung at them at the conclusion of their work; thirdly, if they are inexperienced in personnel work the results may be sketchy and inadequate at best; fourthly, there is a very real danger that they may be biased in one way or another, consciously or unconsciously, and thus undermine the plan from the outset. If, however, the city or town is able to call upon citizens who are competent in personnel matters, a local group may well develop a splendid program, but only if they win the wholehearted support of the municipal employees, which, of course, can be done. Failing in this endeavor, charges, even though unfounded, may make it impossible to make the plan workable even though excellent in content and purpose. For these reasons it is often suggested that many municipalities would serve the public interest best by calling upon outside personnel consultants to do the job.

If the town or city decides to use consultants it should delegate local liaison personnel to oversee their work and so receive valuable on-the-job training for the implementation of the program and for conducting future reclassification tasks.

CLASSIFICATION METHOD

There are several steps leading up to a satisfactory classification plan, none of which can be arbitrarily omitted. The starting point is

the construction of an organizational chart of the municipality's government detailed to show every agency and position as then exists. A card index of every position should also be prepared with the incumbent's name and other pertinent data such as date of beginning service, starting pay, current pay, etc. These two tools are primarily for control purposes, and also to give visible evidence of the size of the job at hand.

The next step is the preparation of a job questionnaire which need not be elaborate, but of suffiicient size to permit every employee to describe his work in his own words as fully as possible. A covering letter, or, in lieu thereof, an assembly of the employees should be used to explain in sincere and meaningful phrases why each employee should delineate his duties and responsibilities as they presently exist, and it is of paramount importance that every employee cooperate in this respect if the classification job is to be done properly. The questionnaire should also provide for amplifying or condensing remarks of the worker's immediate superior. Under no circumstances should the supervisor edit the original statement of the employees. Subsequently those preparing the plan should make an on-the-job check of the questionnaire contents against the actual performance by the worker at his desk or in the field. In the smaller towns it is feasible to check all positions, but in the larger towns or cities a good sized (30%-50%) sample will suffice.

Remember that the questionnaire gives each employee an opportunity "to speak his piece" and perhaps no single person knows a position's duties and responsibilities as well as its incumbent. It is through the questionnaire checked as mentioned above, that the classifiers are able to tabulate the functions and duties of each position. As it is the basic source of information some care should be expended in its preparation, particularly in the accompanying instructions.

The returned questionnaires should be checked off against the personnel card index to see that *all* are returned (60 or 70 per cent will not do). This indicates the basic necessity of winning the full support of workers and supervisors at the very start of the program. Effective communication with every staff member is the only way to win this cooperation. In short, those charged with formulating the plan must explain the purposes of the plan and the methods that have to be used to develop it in such a reasonable and straight forward fashion that no opportunity is given for misunderstandings and suspicion to arise.

As the questionnaires are returned they should be separated according to lines of authority and supervisory responsibility and coded to permit reconsolidation by agencies after classification. In the smaller towns it will be possible to sort the questionnaires directly to classes, but in the larger towns where the number of classes may be rather numerous the primary sorting into services and then groups such as administrative, protective, clerical, fiscal, professional, trades, etc., may be needed before the class sorting.

A word of caution seems pertinent at this point; that is, snap judgments and rule of thumb methods have no place in a classification pro-

gram. Logical reasoning must prevail if the difficulties and responsibilities that attach to each position are to be evaluated and the influence of each position upon the structure of the government is to be appraised fairly.

The elements which are to be considered in classifying positions are: (1) the functions performed, (2) the difficulty or complexity of the duties, (3) the non-supervisory responsibilities, (4) the supervisory responsibilities, if any, and (5) the qualifications needed to perform the tasks. If these factors are used improperly or misinterpreted the resulting inequities may well be greater than those existing theretofore.

The class specifications are then prepared. In summary but exact form they should clearly set forth the general features of the position, the distinguishing factors, an illustration of the work required, and a statement of the qualifications needed for the position. Prior to adoption of the position specifications and the allocation of positions to classes, the holding of public hearings is recommended so that exceptions taken by employees and supervisors may be given due and proper consideration. (See Appendix E for sample position specifications.)

No matter how well this portion of the personnel program is executed it is paramount that a plan for its continuous study be included. This will permit revisions and adjustments to meet changing circumstances, caused, as for example, by duty changes.

Chapter IV

COMPENSATION

A classification system without an accompanying pay plan is rather meaningless. A compensation plan, like a classification plan, is a simple matter to talk about in general terms, but it is difficult beyond the comprehension of most to apply a "dollars and cents" value to the work of any person. There is no simple formula for establishing a "fair day's pay for a fair day's work," and the concept of marginal productivity described so earnestly in our economics texts leaves much to be desired. While it may be possible to measure in a limited way the output of a machinist, a bricklayer, or a carpenter, there is no objective way to measure the output of a policeman, nor to determine with exactitude the marginal productivity, as it were, of a public health nurse. However, we do know that a certain number of dollars are essential to decent living, that is, there is a minimum below which, only a subsistence level of living is possible. Certainly no democratic people expect the employees in their public service to live on the borderline of indigency.

It is generally acknowledged that pay for the upper ranks in public employment will never approach that of their counterpart positions in private employment. If pay is the only incentive a career service is impossible, nevertheless pay must be adequate. The pay of the middle management and the rank and file in public employment, however, is comparable generally with that paid outside the service. Nor is tenure or security an important incentive except perhaps for those with mediocre talents. Perchance the better way of assuring qualified persons in the career service of a municipality is through a definite program to enhance the prestige of such employment.

The pay plan should provide equitable treatment of all employees doing substantially the same work. It should also measure as well as possible the duties, responsibilities, hazards, and required training for each position.

It is imperative that the program designers know the cost of living in their town or city, the pay scales in comparable towns and cities, and also those for similar positions in a good cross-section of private employment in the area. A word of caution is advisable here: do *not* compare job titles; only job specifications should be compared for this purpose. Informal or formal questionnaires may be prepared to gather this information, but in some instances a personal visit would probably be more satisfactory.

PROCEDURES

The classes should first be arranged in order of their differences, responsibilities, and like. Thereupon, the class for which the greatest agreement as to pay has been ascertained by the described investigation might well be used as the "key class," that is, the base from which to

move upward or downward. A tentative minimum rate for each class is then established using the key class and the wage and salary data previously gathered. In any event the lowest pay must exceed the subsistence level by a comfortable margin. Serious consideration must also be devoted to the pay for "dead-end" positions, that is, those from which promotion is either impossible or unlikely. The salary spread, simply the difference between the lowest and the highest, should be representative of differences in duties and responsibilities and be in keeping with the municipality's ability to pay. Keep in mind that the salaries paid must be sufficiently attractive to recruit and keep capable personnel.

Ordinarily each position will be given a minimum and maximum salary or wage with intermediate step rates. There is no hard and fast rule as to the number of the intermediate steps that should be utilized. It is very common to find as few as three and as many as seven. The Commonwealth of Massachusetts uses five steps between the entering minimum and the maximum for the job group.

In general, the personnel rules should require entrance at the minimum rate although provision ought to be made for entrance at an intermediate rate under definite conditions. This latter provision may be necessary from time to time to attract exceptional candidates, but it must be used sparingly and with good reason for it can be abused and lead to inequitable treatment of employees in the class involved.

Under Massachusetts custom and law a year of 52 weeks of service is required before an incumbent can be moved into the next higher step-in-range of the same group. In other words the increments are automatic and rest heavily on the precept of seniority. In some jurisdictions outside the Commonwealth individual merit is the sole determinant of pay increases, and most public personnel administrators are of the belief that this is the superior method holding that a sole requirement of time tends to reward mediocre performance to the same degree that it rewards superior performance.

PART-TIME WORKERS

Provisions should also be made in the classification and pay plan for part-time help. Ordinarily seasonal employees in the labor service receive the minimum hourly rate for their class. Those temporary or seasonal workers in the official service are paid in proportion to the hours they actually work at the minimum salary for the class in which they serve. Of course, another equitable method may be more suitable for a particular municipality.

PLAN INTRODUCTION

Not everyone will be content and pleased with the introduction of a new pay plan. Consequently some diplomacy is essential so that employees will understand the basic necessity for an orderly pay scale. Further, it should be announced at the outset that no employee then on the roster will suffer financial loss from the working of the new pay

plan. If, for example, an employee's pay is below the new minimum or an intermediate rate for which he is eligible, his pay will go up to that minimum; if an employee's pay exceeds that for his class it should remain unchanged, but be attached to the incumbent rather than the position.

No pay plan worthy of its name can long remain unchanged. The pay plan should change with the changes that occur in the economy of a substantial nature; by tieing in both the upward and the downward revisions with the upward and downward movements of the economy. Flat percentage raises or cuts should be avoided for more often than not they bring inequitable adjustment particularly on the lower levels. The prevailing cost of living ought not to be the sole guide, either. Furthermore, this basic pay scale should remain unchanged with the adjustments being made on the base from time to time as need arises.

In time of recession still other ways of reducing the personal services burden of a municipality are non-appointment to existing vacancies; moratoria on reallotments and promotions, and layoffs without pay.

In that reference has already been made to the special position held by public welfare personnel as to their minimum pay requirements which are set by an *ex officio* state board (GL., c. 31, s. 47C-47D) no further elaboration is needed. However, it should be borne in mind that the public welfare personnel pay plan may well influence the rate of compensation of non-welfare personnel with comparable duties and responsibilities.

Chapter V

RECRUITMENT

The recruitment of high grade personnel is another vexing problem, but it is essential to the development of a career service. Recruitment, according to the Public Personnel Association, is: the process through which qualified candidates are induced to compete for appointments to the public service. Actually it is the first step in the employment process, and its effectiveness will be determined by the capacity and character of those persons responding to the inducements. If they are not qualified at this point it stands to reason that their appointment will impair rather than improve the public service. Persons should be considered qualified for probationary appointment if they meet the minimum entrance requirements for the position they seek.

THE PROBLEM

Few public personnel agencies have given adequate consideration to recruitment. It may well be that the negative concepts which have inadvertently colored civil service for so many years, for example the prevention of favoritism rather than the establishment of a career service, have militated against a thoroughly successful plan. Too much faith has been placed in the law of averages as a guarantor of a certain proportion of qualified men and women. Public service in this day and age should not be looked upon as a haven for mediocrity; consequently mass competition for public positions is of dubious value at the very outset. Still another factor which tends to limit the recruitment of persons is the archaic residence requirement, that is, residence within the corporate limits of the municipality for a specified period of time prior to appointment.

In recruiting candidates prior experience ought not to be overemphasized, for by so doing the applicants may be too opinionated or set in their ways or, in spite of their previous work experience, may consist chiefly of failures in other endeavors.

As our educational system is extremely democratic in the present as compared with that of a generation or two ago perhaps it would be wise to coordinate a part of the recruiting program, at least, with our institutions of secondary and higher learning. A definitely designed in-service training program is still another aspect of the recruitment plan in that it demonstrates the desire of the municipality to assist candidates to find their proper niche in the service following appointment, and that they will be looked upon as persons rather than cogs in an impersonal machine.

Recruitment is in fact a continuous quest for competence, or, as the Public Personnel Association defines it, "the active search for the best." Unless a concept such as this is held by those charged with the personnel program, the opportunity to develop to a higher degree the

prestige value of the public service will be lost at the beginning. If, however, such a philosophy is adopted and is tied in with an attractive publicity program there is the very strong possibility that the applicants for examination and appointment will be somewhat more qualified than otherwise.

If, on account of economic conditions, there are larger numbers of persons seeking public employment than usual, efforts to recruit the more competent should not be abated. Further, the personnel program should avoid the reputation of filling the better jobs by outside appointment rather than by promotion if its recruiting is to be successful. This does not mean that the recruiting of "new blood" at the higher level has to be eliminated completely; however, it should be done sparingly.

The pay scales adopted by the municipality are still another factor in recruiting; if unrealistic or if unrelated to the pay offered for similar employment in business or industry the possibility of attracting the better applicants will be reduced accordingly. In line with this, the other conditions of work should serve as inducements without being overly paternalisitic. These include hours of work, vacation and sick leave, physical surroundings, group life and health insurance programs, and retirement.

The classification plan is also directly connected with recruitment. In all probability it is the best means available for indicating the relationship between classes of positions, promotion opportunities and pay schedules. It is, of course, the *sine qua non* of a personnel system as has been previously described.

OBJECTIVES

In the last analysis recruitment is the responsibility of the personnel agency and if it lacks control in this sphere the opportunities for success elsewhere in the program are severely restricted. In the development of this phase the personnel agency must cooperate with and win the cooperation of the municipality's operating agencies. No personnel agency worthy of the name can afford to "go it alone" and expect to attain its true purpose.

Recruitment should not only be aimed at directly attracting immediately desired candidates for existing vacancies but also should be somewhat anticipatory in nature. By this is meant that a continuous program is necessary to develop attitudes and a climate more favorable toward public employment. The low prestige of public service tends to deter the qualified and attract the mediocre, and it is this latter occurrence that serves to derogate further the prestige factor.

Many private opinions with respect to the public service are erroneous having been born of prejudice, the happenings of long ago, and the prevailing negative attitude of "keeping the rascals out." The public personnel agency will, of course, be unable to change these opinions and attitudes in their entirety, but effort must nevertheless be expended to explain the public service in its true light. Past failings in

this respect "have come home to roost" but the present is the time for remedial action. In doing this personnel men have a splendid opportunity to make use of their imaginative powers. Where a career service is already in full swing the problem is made that much easier. In any event the publicizing of the public service and its personnel policy cannot be neglected.

Some agencies rely solely on vacancy or examination announcements to acquaint the public and prospective candidates with the public service. This is far from being adequate. Explanatory brochures in non-legalistic terminology covering the personnel system should be prepared for distribution. News releases of a clear and interesting nature are still another avenue to public information. In addition the leading personnel officers should accept as many speaking engagements as possible to publicize further the work of their agency. Attempt should also be made to use every media possible to win candidates. Posters and advertisements ought to be prepared as attractively as possible, and in the larger municipalities such added features as radio and television spot announcements would be helpful. Department heads and satisfied employees are also valuable adjuncts in recruiting personnel; indeed, employees with high morale can perhaps do a better "selling job" than the most engaging advertising program yet devised.

When the applicants present themselves, what next?

Completion of a formal application is ordinarily the first step. The actual form should be carefully prepared with an up to the minute layout on good quality bond paper. A little care is needed here so that the application will not seek information contrary to the provisions of the Massachusetts anti-discrimination law (GL., c. 151B). Keep in mind too that this form constitutes the first part of appointee's permanent service record.

EXAMINATIONS

The next matter to be determined is that of examining the candidates. In the case of those covered by civil service, no problem is presented in that their examination is conducted by the Director of Civil Service. However, for those positions outside civil service some method should be adopted to measure the qualifications of prospective employees realistically. In this regard several possibilities present themselves: (1) private examining consultants, (2) local examiners administering professionally designed examinations, (3) local examiners using locally developed examinations. Of the three procedures the latter is perhaps the least satisfactory for the development of effective examinations is not a simple process and it may well be that the necessary technical help is not available locally. Either of the two remaining methods may be used with more advantageous results.

Prior to the examination definite policy must be established as to the nature and content of the examinations to be used. Traditionally the "practical" test has held a dominant role in establishing lists of

eligibles for positions in the public service. Today this is considered to be a higher questionable procedure at best when applied to positions in general. That there are certain job classes for which practical tests are solely or partially satisfactory is readily admitted, as for example testing the typing skill and speed of a prospective clerk-typist, or the phonographic aptitude of a prospective stenographer, or the strength and physical stamina of police and fire department candidates.

By the same token, however, there are many positions in practically every municipality for which examinations of a very different order would be more satisfactory. That is, examinations which tend to measure the applicants' broad knowledge, intelligence, and aptitudes are apt to be of greater value in compiling an eligible list of junior administrative officers than any practical tests.

In many instances the smaller towns may find that the use of written examinations presents more obstacles than their end results warrant. This may, indeed, be very true. However, it ought not to militate against the establishment of some procedure for selecting candidates even though it consists of only a comprehensive interview and, where advisable, a practical test so as to rebut cries of favoritism, nepotism, and the like which may well impair a career service in the smaller municipality. There is just as much need for a career service in the small town as in the largest city, for only when all our municipalities adopt this concept will the prestige of the public service be advanced throughout the Commonwealth and its attractiveness to higher caliber persons be assured on all levels of government.

APPOINTMENT AND DISMISSAL

Assuming that the successful candidate is about to be appointed to a vacant position, what procedures should be utilized? First the initial appointment should be on a probationary basis for a minimum of six months for it is possible that an individual who does well in an examination may not do as well on the job. If he holds a non-permanent position his dismissal for unsatisfactory performance is relatively simple, and this should be explained to the prospective appointees in an unequivocal manner even before the examination and reiterated in the employees' handbook.

Probation is essential to the proper management of a public personnel system particularly if adequate supervision is exercised over the probationers in that it permits the new worker to demonstrate the degree of his fitness for permanent employment and grants flexibility to the appointing authority in the removal of the unsatisfactory worker. It is, of course, quite possible for a probationer to delude management during this entrance period and not show his "full colors" until he wins tenure. However, in such instances his discharge can be affected with but slight difficulty either in keeping with the provisions of the personnel by-law or rules of the town, or, if covered by civil service, in keeping with the rules and statutes governing the situation.

A word here about removal of civil service employees seems to be in order. An incompetent civil service worker *can be dismissed,* arguments to the contrary notwithstanding. Some of the "old wive's tales" that have sprung up about this matter are entirely without foundation in fact. However the appointing authority must be able to support his allegations with facts, hence we have another very good reason for maintaining up-to-the-minute personnel records wherein the working history of each employee is carefully preserved. Among other things, approbations as well as censures and the reasons for them should be recorded.

TRAINING

"Do it yourself" is not a satisfactory way to introduce a new employee to his work. A training program of varying length and diversity is essential so that the new employee will have a better understanding of his duties, what is expected of him, and an appreciation of his position in the entire scheme of government. This is an extremely important phase of the orientation program. In the cities and larger towns some use may be made of "vestibule training" that is, a more or less formalized training period prior to assignment to a particular position. It generally consists of lectures, discussions, use of visual aids and similar training materials to orient the new employee.

For the smaller towns "on the job" training is perhaps the more satisfactory and economical method for introducing the new appointee to his work. The immediate supervisor should be ready and willing to answer his questions and assist in his orientation. A simple training manual and rotation in assignments are other useful tools.

Chapter VI

PROMOTION, DEMOTION, TRANSFER

A well-planned promotion, demotion and transfer policy goes hand-in-hand with the development of a career service. Promotion is no minor incentive to excellent work performance particularly if it is granted on the basis of individual merit rather than length of service. Traditionally in Massachusetts length of service and examination have been the major determining factor in promotion in the official service. Seniority is generally favored by employees even though it alone is of doubtful value.

Employees in the classified official service are, of course, to be promoted in keeping with Rule 21 of the Civil Service Commission which states:

> 1. Promotions in the Classified Official Service shall be on the basis of merit ascertained by examination and seniority of service.
> 2. In competitive examinations for promotion to any position in the Classified Official Service the Director shall add two points to the general average mark obtained by any veteran, as defined in the General Laws, Chapter 31, Section 21, providing such veteran has first obtained a passing mark in said examination.

Promotions in the classified labor service are also to be made on the basis of seniority, that is, one of the three employees oldest in terms of service, where covered by Chapter 31. This is spelled out in Rule 30 of the Civil Service Commission. Both rules are drawn from GL. c. 31, ss. 3, 15, 15D.

With a promotion policy such as this, long established and customary, it would be rather difficult to establish the precept of promotion on merit alone. However, it must be borne in mind that unsystematic promotion will imperil the morale of employees and probably unseat the career service concept. Favoritism has no place in this all-important attribute of a personnel program. Further, a definite promotion program is a valuable aid in recruiting talented personnel and may well lessen the turn-over rate among municipal employees.

Provision should also be made for outside recruitment if no worker on the staff is thoroughly qualified for promotion. For one reason or another there will be several municipal employees who will never be eligible for promotion beyond the maximum salary in the position they occupy.

Should promotion be open to all comers? Should promotion be open only to those in the public service? It is not difficult to marshal satisfactory positive and negative answers for each of these questions. Actually a middle course will probably be more advantageous to both

the municipality and the employees. As previously mentioned occasional recruitment from the outside for higher positions will tend to bring in new ideas. Emphasis should be placed on the term "occasional."

Departmental lines should not act to confine promotion within a department to the exclusion of other qualified persons *unless* the position is so specialized as to demand previous service in the department as a qualifying factor. However, good judgment is needed here, for very often a person promoted to a position in one department from another department is given a rather "rough time" by his new associates, as persons working in a department for any considerable period tend to look upon their agency as their private domain. This in no way implies that such an attitude is correct, but we cannot claim to be realistic and overlook the fact that "group loyalty" exists. On the other hand, if departmental lines were to be adhered to strictly many capable persons in small departments would never be promoted.

The smaller towns not subject to the civil service law have some latitude in providing for promotion. It may well be that the examination method would be impractical for such a purpose in which case seniority in combination with official discretion may well suffice. Official discretion should be tempered to some extent by some sort of service rating program. In the case of larger towns that are not subject to civil service the better alternative for promotion may be the examination of eligible employees.

SERVICE RATING

As for the service rating mentioned above a few words are in order. In a career service built upon individual merit, service rating is a factor which cannot be omitted. Service rating attempts to measure the performance of each employee which, while necessary, is a provocative task. In that it is "human to err," and because prejudice does exist, the rating of an employee by his supervisor may not be as objective as it should be. Where the work output of a person can be tallied concretely no problem presents itself, or if a person's work is so slovenly or so excellent that he stands apart from all others the task is fairly easy. It is the group of persons, and by far the more numerous, which stands between these latter extremes that make effective grading arduous and questionable.

There are many more or less standardized rating systems available for adoption by a municipality, and the one chosen need not be the most elaborate. A word of caution is needed here, for unless the employees are really "sold" on such a plan it is worse than no rating at all for morale will be weakened or even destroyed without their full understanding and cooperation. The time to "sell" employees on the wisdom and purposes of service rating is at recruitment. In any event excessive weight should not be given to service ratings when promoting candidates; all the other factors should be considered such as: demonstrated leadership, qualifications, integrity, and length of service.

Success or failure of a promotion program is dependent to a large

extent on the qualifications of incumbents. If persons occupying the lower positions are not highly capable their promotion will not improve the public service. It follows then that care must be exercised at the outset that competent persons be appointed to the lower echelons if promotion is to be used to fill jobs on the higher levels. As was stated earlier, not everyone will be promoted for it is reasonable to assume that the higher one moves up the pyramid the positions to be filled will become fewer in number. On this account provisions also should be made for retirement of persons or the number of vacancies will be so limited that a career service based on in-service promotions is non-existent.

Most persons connected with public personnel programs are of the opinion that promotion is every bit as important as recruitment.

DEMOTION

Demotion, on the other hand, consists of a "change in status of an employee to a position in a class with less responsible duties." In general, demotion is utilized when reduction in force is required either by economy motives or by the elimination of a program. In some jurisdictions it is used as a disciplinary action although there are several arguments against this use of demotion.

In that demotion is a very real possibility even though it is not highly desirable, some provisions should be established for its application in the municipality's personnel program. When curtailment of work or economic policy dictates demotion for some workers and lay-off for others as the only alternative, a well-defined basis is needed. Ordinarily seniority is the major determinant, that is, the older worker in terms of years of service is retained while the younger worker is laid off. Seniority rules, of course, do not assure that the better workers are being retained, and this is a significant criticism. In line with this a policy for rehiring those "bumped off" their positions by the working of seniority rules is still another requirement, and again seniority generally prevails—"last-off, first-on." Seniority is highly favored by the workers themselves.

Demotion as a disciplinary action is widely frowned upon. Ordinarily if the inefficiency, etc., of a worker is so marked as to merit demotion it may be better for all concerned if he were to be dismissed. Demotion for cause cannot help but engender bitterness in the person so disciplined. Demotion at the request of an employee who finds himself unable to cope with the responsibilities of the work at a higher level or demanded by unanticipated cut-backs is quite another matter.

TRANSFER

Transfer is another topic for inclusion in the personnel program. In its simplest terminology transfer means the horizontal movement of workers from one department to another or from one classification to another without significant change in rate of pay.

Under certain conditions transfer may be a commendable action. By means of transfer a competent person in a "blind alley" position may be encouraged to remain in the government's employment. Transfers from one department or agency to another may tend to eliminate seasonal employment of temporary workers and lead to a fuller utilization of the talents of all the permanent employees. Technological improvements may develop surplus employees in an agency, who, through the transfer policy, could be used advantageously by another unit. It has been suggested that transfer go hand-in-hand with an in-service training program prior to permanent assignment of a new appointee so that he will become familiar with the entire operation. Transfers may also prove valuable, at least in large jurisdictions, when personality conflicts arise and when there is no question of the individual competency of the persons involved.

All too often in some units transfer is looked upon as the "easy way" of ridding an agency of incompetent personnel by foisting them on other unsuspecting departments. Simply, transfer is considered the easier way of "discharging" an inferior employee, and such use may well indicate a need for overhauling the discharge procedures of a governmental unit.

Transfer, when properly used, assures that competent workers will be retained in service, that the costly recruitment of new employees will be reduced proportionately, that employees will experience a wider understanding of the public service, and that it may offer help in the development of capable administration.

Chapter VII

MORALE, LEAVES, DISCIPLINE

Employee morale should be a major concern of the personnel agency.

"Morale," says Merriam-Webster, is "the prevailing mood and spirit conducive to willing and dependable performance, steady self-control, and courageous, determined conduct despite danger and privations based upon a conviction of being in the right and on the way to success and upon faith in the cause or program and in the leadership. . . ."

From this it can readily be deduced that both the work program and leadership present in a municipal government are major determinants of the sort of morale that will reside in the hearts and minds of the rank and file worker. The better the program and the better the leadership, the higher will be employee morale and the more effectively will work be performed. The morale of the group is the sum total of the morale of individuals.

ELEMENTS OF MORALE

There are so many factors influencing individual satisfaction or morale, and they are of such importance that a listing of some of the more important seems appropriate:[1]

1. Performing useful work duties
2. Possessing trust and faith in leaders
3. Participating in work activity
4. Being recognized as a person
5. Receiving decent wages
6. Having the opportunity to forge ahead
7. Job security
8. Receiving meaningful communications
9. Enjoying decent working conditions

A city or town which gave serious attention to each of these factors with the genuine aim of assuring their existence on a permanent basis would soon discover that the *esprit de corps* of its workers had soared to new heights.

Many public employees are compelled to work under abominable conditions in filthy, ill-ventilated, dingy and ancient buildings. While it may not be feasible to replace the physical structures it does seem as though our municipalities can afford janitorial service, paint, and modern ventilating and heating equipment. Respectably clean and comfortable physical surroundings will do much to increase the efficiency of em-

[1] Robert Saltonstall, "What Employees Want from Their Work," *Harvard Business Review*, November-December 1953.

ployees. This has been demonstrated time and again in both business and industry, and could profitably be used by all levels of government.

The safety of employees should also be considered. Even in old buildings, shop and office lay-out plans will lead to more economic and efficient space use, and will do away with the cluttered appearance of so many public offices and shops while reducing the opportunities for on-the-job injuries.

Among other things, the hours of work for municipal employees is a determinant of their morale. In general, the five-day, forty-hour week prevails in our municipalities except for school teachers and members of police and fire departments. Although the law provides that such provisions are for the municipalities to decide by vote of their city councils or town meetings (GL., c. 149, s. 31, 33A, 33B), where accepted, provisions should also be made for over-time compensation in the form of monetary grant rather than compensatory time off. (*Boston v. Cosgrove,* 331 Mass. 625.)

CATEGORIES OF LEAVE

While there was a time when holidays, sick leave and vacation leave were considered as privileges rather than rights, such evaluation or appraisal is not generally held today. Holidays, sick leave, and vacation leave with compensation have become so widespread that they are now a usual condition of employment, and in many instances are guaranteed by statutory provision. In preparing this section of the rules and regulations governing municipal employment, the responsible persons should be guided by both statute and custom. The statutes governing these subjects are for the most part permissive in nature, but when accepted they spell out in detail the vacation periods allotted to municipal employees on the basis of their length of service. (GL. c. 41, ss. 110-111 I.) Provision should also be made for military leave for those employees who are members of the national guard or the reserve forces of the United States. If the statute governing this (GL., c. 33, s. 59) has been accepted by a city or town such leave up to seventeen days with pay is mandatory, and cannot be counted against regular vacation leave. In addition there are listed legal holidays on which public offices are to be closed. (GL. c. 4, s. 7.)

SICK LEAVE

The frailties of the human body are such that a definite sick leave policy is a requirement of a humane personnel system. Sick leave, of course, may be abused by some malingerers, but this does not support a claim for its abolition. It does, however, emphasize a real need for effective control over its use. The personnel agency has a very real task at the outset to "sell" the workers on the true nature and purpose of sick leave so that it will not be construed as additional annual leave. Success in this venture would probably accomplish more than a series of stringent rules. Such an additional control as a required certificate

of illness from a licensed physician for absences in excess of one working day may also prove valuable.

If the municipality has accepted the provisions of Chapter 41 in the matter of sick leave, the annual grant is fifteen days. It is for the municipality to establish the maximum number of days that may be accumulated, that is, thirty days, sixty days, ninety days, or such other limits as may be decided. The state service is not limited to any defined maximum presently. In the absence of acceptance of Chapter 41, the municipality should have similar sick leave provisions in its personnel program. Ordinarily leave granted to an employee because of the death or serious illness of a member of his family is charged against his accrued sick leave.

A word of caution seems advisable at this point, that being that any such grant is in reality a contingent liability of the city or town and may soon add up to an astronomical figure. By way of example let us assume that Town "A" has 100 employees, that the average daily pay is $12.00, and that each person has a credit of 20 days sick leave. A contingent liability of $24,000 exists at that moment for sick leave alone. Assuming farther that the town has limited sick leave to 60 days and that each employee has built up his maximum, the contingent liability would be $72,000. If the limit were to be 90 days and each worker attained the maximum the contingent liability would approach $108,000. Assuredly this matter ought to be borne in mind.

ANNUAL LEAVE

Employers, public and private, have widely recognized the beneficial results of annual leaves for employees. It is of little importance to debate the question academically as to whether annual leave is a privilege or a right, for it is now generally enjoyed by all ranks of employees. Leave tends to bolster both worker morale and efficiency and in so doing has proved its worth, and it also aids in making employment in the public service more attractive.

The actual amount of leave that is to be granted an employee is another important question, and on this matter many diverse opinions exist. If the provisions of Chapter 41 regarding annual leave have been accepted for the municipal employees they should be incorporated within the personnel rules and regulations. Otherwise it will be a matter for the municipality to determine. Ordinarily the minimum vacation leave is two weeks after a year's satisfactory service, and increasing to three and even four weeks after five and ten years of such service.

Vacations should be scheduled and granted at the convenience of the municipality and very often have been restricted to the summer months. However, in the light of the changing vacation habits and customs of our people as indicated by the desire for winter vacations no hard and fast dictum is possible. A definite rule or regulation ought to be established as to the total amount of vacation leave that can be accumulated by an employee or that can be carried over from one fiscal

year to another, otherwise the contingent liability of the municipality for accumulated annual leave may again prove to be enormous. Customarily the cumulative leave is limited to that which the person would build up in a two-year period. Actually the contingent liability for vacation leave is of even greater significance than that for sick leave, for the vacation leave will eventually be taken in the form of an extended holiday by an incumbent or at the date of his resignation or superannuation, and may well be due his estate should he die while in the municipal service.

LEAVE WITHOUT PAY

Voluntary leaves of absence without pay for civil service employees is covered by a statute (GL., c. 31, s. 46E) which states that a leave of this sort may be granted by the appointing authority up to three months in a twelve-month period, and a longer period may be authorized if leave is due to illness. It is a matter for inclusion in the local rules and regulations with respect to municipal employees not subject to Chapter 31, and each community will have to decide upon its own policy in this matter. Lay-offs due to lack of work are also governed by Chapter 31 (sec. 46G) in the case of civil service personnel, and similar provisions could well be incorporated for those not so covered.

DISCIPLINE AND DISCHARGE

Discharge and suspension of civil service employees is thoroughly detailed in the statutes. In the case of non-civil service personnel local policy as set forth in the personnel rules and regulations will handle this situation, as long as effective safeguards are erected against indiscriminate or prejudicial firing of employees and provision is made for a fair hearing should the discharged or suspended worker request it.

The most difficult problems of personnel administration are those relating to discipline. Some disciplinary problems arise because of improper leadership, the martinet type of supervisor will invariably be faced with rebellious employees; while the supervisor endowed with leadership qualities will tend to have fewer disciplinary problems.

Discipline is essential to the proper operation of any governmental agency, for to accomplish its purpose there must be definite rules of conduct established with provision for punitive action for infractions. The severity of the breach will, of course, determine to some extent the penalty which might range from a simple oral reprimand to outright dismissal. (Should the punishment fit the crime? or the criminal?) Again, the violations and penalties ought to be spelled out.

In line with this it is well to remember that public employees like their fellow workers in business and industry do have from time to time very real grievances. The lack of definite procedures for the handling of these grievances may rapidly undermine the morale of the working group and lead to disciplinary problems both numerous and serious. Great dividends will accrue to the municipality which provides a per-

sonnel relations review board (GL., c. 40, s. 21B) to adjust the grievances of its employees. Those charged with drawing up the personnel organization for a city or town should not dismiss this matter of grievances as being of little consequence; for what appears to be of minor importance to one person is often a weighty problem to another. Just as tiny raindrops become the rushing river, so may many small grievances impair the efficiency and economy of a municipal government as they inundate the morale of the workers.

RETIREMENT

Retirement of workers is a vital attribute of a personnel system. It is of no small assistance in stabilizing employment and eradicating the fear of penury in old age; it may well be an effective aid to recruitment. Superannuation of older workers also serves to create opportunities for the promotion of the younger personnel. No pension system worthy of the name should be on a dole or charitable basis. The custom and law of Massachusetts holds that the contributory system shall be used.

The law (GL., c. 32, ss. 1-28) presents in fine detail the retirement program for municipal employees if and when accepted by a city or town. Cities and towns with populations in excess of 10,000 are required by this statute to establish their own retirement agencies while towns under 10,000 accepting the retirement provisions are required to join the county program. As the Massachusetts retirement program is highly complex and technical, and as its application varies so noticeably from case to case, nothing but a thorough study of the pertinent statutes would give an insight into its comprehensiveness. The law further stipulates that an unpaid three-member retirement board rather than the personnel agency is to be charged with administering the retirement plan following adoption of the enabling legislation (GL., c. 32, s. 20) by cities and by towns with population more than 10,000.

Chapter VIII

PERSONNEL RULES

Personnel rules and regulations are still another important part of an effective program. Every supervisor and employee ought to be fully advised as to his rights, privileges and duties. In other words the rules and regulations should explain and interpret the personnel program.

Whether the rules and regulations should be incorporated in full within a detailed by-law, or whether they should be promulgated by the personnel agency on the basis of a broad by-law is a matter for each town to decide. In either case, care must be exercised so that they in no way run contrary to the provisions of the statutes, Chapter 31 particularly, and that they are all-inclusive.

The rules and regulations, if properly drawn will establish the personnel procedures for the municipality, and will leave no doubt whatever as to recruitment, appointment, promotion, separation, transfer, hours of work, vacation and sick leave, retirement, fringe benefits, and discipline.

The purpose of the rules and regulations is the implementation of the law rather than being its impedient. In preparing these vital provisos, the assistance of the city or town counsel could well be utilized, and the suggestions of both employees and operating officers should be solicited.

Following adoption of the rules and regulations by the personnel agency or in the form of a by-law or ordinance a copy should be placed in the hands of every officer and employee of the municipality. Any future amendments should be distributed similarly.

The terminology should be clear and concise without reliance on technical terms and gobbledygook.

The personnel agency is also responsible for the establishment and adoption of uniform personnel records. These records include announcements of positions, application forms, appointment and requisition work and leave records, payroll forms, and rosters. In reality they should be kept as simple and few as possible and should be designed to fit the needs of the municipality, and ought to conform to the type of posting and accounting machines being used.

APPENDIX A

PERSONNEL BOARDS—ORGANIZATION

Town No.		Total Members	Appointed by	Town Officials	Town Employees	Term (years)	Term Begins
4	Adams	3	M	none	none	3	
8	Amherst	3	M	none	none	3	TM date
15	Athol	3	S	2 (a)	none		
20	Barnstable	5	M	2 (b)	none	3	Mar. 31
23	Bedford	3	M	none	none		
40	Braintree	5	M	none	1	3	May 31
56	Chelmsford	3	M	none	none (c)	2	Eff. date
67	Concord	3	S	none	none	3	
72	Dartmouth	5	M	none	none	3	Apr. 15
73	Dedham	3	M	none	none	3	
96	Falmouth	5	M	none	none	3	May 1
131	Hingham	3	M	none	none	3	
142	Hull	5	C (d)	none	1 (e)	3	
153	Leominster	3	MY		3 (f)		
168	Marblehead	5	S		(g)	3	
178	Melrose	5	MY	none	none	3	June 1
199	Needham	5	M	none	none	3	
211	N. Attleborough	5	S	1 (h)	1	3	Apr. 1
236	Pittsfield	1 (i)					
246	Reading	3	S	1 (j)		3	Apr. 15
252	Rockport	5	S	none	none (k)	5	Mar. 31
264	Scituate	5	M	none	none	3	Apr. 1
271	Shrewsbury	3	M	none	none	3	May 31
277	Southborough	3	M	none	none	3	May 31
284	Stoneham	5	S		1 (l)	5	May 1
285	Stoughton (m)						
305	Wakefield	5	M	none	2 (n)	3	
307	Walpole	5	M	none	none	3	
314	Watertown	10	M	5 (o)	2	1	
315	Wayland	5	S	none	none	5	
317	Wellesley	5	M	none	none	3	May 31
325	W. Springfield (p)	3	S	none	none	3	May 1
328	Westborough	5	M	none	none	3	Mar. 31
336	Weymouth (q)	3	M	1	1	3	
341	Williamstown	3	M			3	TM date

M Moderator
S Selectmen
MY Mayor
C Committee
TM Town Meeting

(a) One selectman
One member finance committee

(b) Chairman of selectmen
Chairman of finance committee

(c) One member elected by town employees

(d) Appointed by committee consisting of selectmen, moderator and chairman of advisory board.

(e) Not more than one may be a town employee

(f) Arbitration board of 3 employees

(g) Two members may be town officials or employees

(h) One member may be elected official other than selectman or school committee member

(i) Administered by director of administrative services

(j) One member of finance committee chosen by the committee

(k) Two members appointed from nominations made by town employees

(l) One member is town employee elected by employees

(m) Selectmen are the personnel board

(n) Two members elected by employees

(o) Advisory board of review consisting of two selectmen, three finance committee members, two town employees and three citizens

(p) Advisory board of review

(q) Administration by personnel officer appointed by selectmen

APPENDIX B

MODEL PERSONNEL BY-LAW

Introductory Note:—This Appendix presents a model consolidated personnel by-law, providing optional alternative sections for portions reflecting major policy differences or different methods of solving technical problems of draftsmanship and administration.

Where alternative sections appear, they are designated by capital letters A, B, C, D etc., suffixed to the section number, thus: "SECTION 2. O4*B*," etc. This capital letter should be dropped in final by-law drafts. Variations within sections are indicated by brackets, thus: "The board shall consist of [three] [five] members appointed by the [Moderator] [Selectmen] . . ." The order of presentation of alternative provisions is arbitrary on the part of the author, and does not reflect any preference for one solution over another. Policy and technical questions involved must be determined by local authorities in the light of the particular needs and political conditions of their own communities.

Not all possible combinations and permutations are shown, as variations of language and technique are numerous. However, the more important or more prevalent formulae are incorporated.

For the sake of simplicity, variations for cities are not shown. However, by substituting the phrase "city council" for the phrase "town meeting", the phrase "mayor" for "selectmen", and the word "ordinance" for the word "by-law", the change-over can be achieved in most instances. City officials desiring to adapt this by-law to an ordinance form will have to do so in conformity with their individual city charters.

Before submitting a by-law or ordinance based on this text to the town meeting or city council for legislative action, the responsible local officials should obtain the advice and assistance of their local municipal counsel, and should check the by-law or ordinance draft against any such state statutes pertaining to municipal personnel as the city or town may have voted to accept. Conflicting provisions of existing by-laws or ordinances must be repealed; and suitable motions to this end should be submitted to the city council or town meeting along with the motion to enact the new by-law or ordinance. Authors of the draft by-law would be well-advised to ask the Director of the Division of Civil Service to review those portions of their draft pertaining to civil service employees, for compliance with any changes that may have occurred in the civil service law and regulations.

The model by-law is organized in a manner similar to subject matter order appearing in Article X of the General By-Laws of the Town of Needham,—a consolidated personnel by-law covering all aspects of the pay, hours and conditions of employment of Town employees, except grievance procedures authorized by General Laws, c. 40, s. 21B. Needham has not established such a grievance procedure system. A model personnel grievance by-law is presented in Appendix C of this manual as a separate enactment; however, the consolidated personnel by-law set forth below indicates where the language of the Appendix C grievance by-law may be incorporated, if desired, to conform with the consolidation principles of General Laws, c. 41, s. 108C.

THE CONSOLIDATED PERSONNEL BY-LAW

TITLE I. APPLICATION AND DEFINITIONS

SECTION 1.01. APPLICATION.—All town departments and all positions in the Town service, other than the School Committee [Town Hospital Department] [Municipal Light Department], and positions under [its] [their] control shall be

subject to the provisions of this By-Law; provided, however, that the compensation of elected officers of the Town shall be established annually by vote of the Town Meeting, in conformity with the requirements of Sections 108 and 108A of Chapter 41 of the General Laws.

SECTION 1. 02*A*. DEFINITIONS.—Unless a different construction is clearly required by the context, the words and phrases appearing in this By-Law shall be construed in conformity with meanings established by Chapter 4, Chapter 31 and Chapter 152 of the General Laws. Such meanings may be revised, and new definitions established, by administrative order of the Personnel [Board] [Department] established by Section 2.01 of this By-Law in consultation with the Town Counsel [and subject to the approval of the Finance Committee] [and subject to the approval of the Finance Committee and Board of Selectmen] [and subject to ratification by a resolution of the Town Meeting].

SECTION 1. 02*B*. DEFINITIONS.—As used in this By-Law, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the Commonwealth:—

"Civil Service Law", Chapter 31 of the General Laws of the Commonwealth, as amended and all rules and regulations made thereunder; and any special law enacted by the General Court regulating the classification, compensation and conditions of employment of officers and employees of the Town under Chapter 31;

"Class", a group of positions in the Town service sufficiently similar in respect to duties, responsibilities and authority thereof that the same descriptive title may be used to designate each position allocated to the class, that the same requirements as to education, experience, capacity, proficiency, knowledge, ability, and other qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same scale of compensation can be made to apply with equity;

"Continuous employment", employment uninterrupted except for required military service and for authorized vacation leave, sick leave, bereavement leave, court leave or other leave of absence;

"Department", any department, board, committee, commission, or other agency of the Town subject to this by-law;

"Department Head", the officer, board, or other body having immediate supervision and control of a department; in the instance of a department serving under the supervision and control of the Selectmen, the officer, board, or other body immediately responsible to the Board of Selectmen for the administration of the department;

"Emergency employment" or "emergency appointment", employment or appointment made for a specified time without requisition, or without the prior approval of the Personnel Board, to cover an unforeseen emergency;

"Emergency employee" or "emergency appointee", an employee or appointee retained on emergency employment or emergency appointment to serve for a period not exceeding three calendar weeks;

"Full-time employment", employment for not less than seven and one-half hours per diem for five days a week for fifty-two weeks per annum, minus legal holidays and authorized military leave, vacation leave, sick leave, bereavement leave, court leave and leave of absence;

"Full-time employee", an employee retained on full-time employment;

"Holiday", the Lord's Day and all days on which legal holidays are observed in Norfolk County pursuant to Section 7 of Chapter 4 of the General Laws of the Commonwealth; provided, however, that the phrase "holiday" shall not include the Lord's Day for purposes of holiday pay;

"Holiday Pay", extra pay authorized pursuant to Section 7.10;

"Overtime", time in excess of the normal number of hours or days of working time in the work week of the department;

"Part-time employment", employment for less than full-time employment, as defined above;

"Permanent position", any position in the Town service which has required or which is likely to require the services of an incumbent without interruption for a period of more than six calendar months, either on a full-time or part-time employment basis;

"Permanent employee", or "permanent appointee", (1) any employee retained on a continuing basis in a permanent position, as defined above; (2) any employee holding a permanent appointment under the Civil Service Law to a position deemed permanent within the meaning of said law;

"Position", an office or place of employment in the Town service with duties and responsibilities calling for the full-time or part-time employment of one person in the performance and exercise thereof;

"Promotion", a change from a position of lower class and compensation to a position of higher class and compensation and greater responsibilities;

"Temporary position", any position in the Town service which is not permanent, but which requires or is likely to require the services of one incumbent for a period not exceeding six calendar months;

"Temporary employee", (1) an employee retained in a temporary position as defined above; (2) any employee holding a temporary appointment under the Civil Service Law who does not also have permanent status thereunder; (3) an employee retained in a position in a class the title of which contains the adjective "temporary";

"Town", the Town of ———————;

"Veteran", a person who is a veteran within the meaning of Section 21 of Chapter 31 of the General Laws, as amended;

"Welfare Compensation Plan", the plan established by the Commonwealth pursuant to Section 47D of Chapter 31 of the General Laws.

SECTION 1. 02*C*. DEFINITIONS.—As used in this By-Law, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the Commonwealth:—

(Insert here the following definitions listed in Section 1. 02*B*: Civil Service Law; Class; Department; Emergency employment; Full-time employment; Permanent position; Position; Promotion; Temporary position; Welfare Compensation Plan).

Other definitions of words and phrases, except the above, may be established by administrative order of the Personnel [Board] [Department] organized by Section 2.01 of this By-Law, in consultation with the Town Counsel [and subject to the approval of the Finance Committee] [and subject to the approval of the Finance Committee and the Board of Selectmen]. Such definitions shall be

consistent with the definitions set out in this section and, insofar as feasible, with the definitions established by Chapters 4, 31 and 152 of the General Laws.

SECTION 1.03. CIVIL SERVICE AND VETERANS LAWS.—Nothing in this By-Law shall be construed to conflict with the Civil Service Law or with the laws pertaining to the Civil Service Law or with the laws pertaining to the employment of war veterans by the Town. [In the year 19——, and at least once every five years thereafter, the Town Counsel shall review the provisions of this By-Law for compliance of the same with the foregoing laws, and shall recommend to the Personnel] [Board] [Department] [such revisions of the By-Law as, in his judgment, are necessary to comply with provisions of said laws applying to the Town].

TITLE II. PERSONNEL AGENCY

SECTION 2. 01*A*. MEMBERSHIP.—There is hereby established an unpaid Personnel Board consisting of [three] [five] [six] members to be appointed by [the Moderator] [the Board of Selectmen] [the Town Manager, with the approval of the Selectmen] [an Appointing Authority composed of the Selectmen, the Moderator and the Chairman of the Finance Committee], and each such member shall serve for a term of three years; provided, however, that of the members originally appointed, [one shall serve for a term of one year, one for a term of two years and one for a term of three years] [one shall serve for a term of one year, two for a term of two years and two for a term of three years] [two shall serve for a term of one year, two for a term of two years and two for a term of three years], as designated by the [Moderator] [Board of Selectmen] [Town Manager] [said Appointing Authority]. At least [one] [two] of the members of said Personnel Board shall be qualified by reason of [his] [their] experience as [a] personnel executive[s].

If any member of the Personnel Board shall resign or otherwise vacate his office before the expiration of his term, his successor shall be appointed, as provided above, to serve for the balance of the unexpired term. Each member of the Board shall serve until his successor has qualified.

Original appointments to the Personnel Board under this By-Law shall be made not later than thirty days following the effective date of the By-Law; and subsequent appointments shall be made within thirty days following the expiration of the term of the Board member who is to be replaced.

SECTION 2.01*B*. MEMBERSHIP.—(Same as Section 2.01*A*, but with following paragraph inserted after the first paragraph):

No person shall serve upon said Personnel Board who is at the same time an employee of the Town, or who holds an elective Town office [other than Town Meeting membership], or who is a member of any other permanent Town committee, board or commission. However, nothing herein shall be deemed to prohibit the Chairman of the Personnel Board from designating a member of the Board to serve ex officio as representative of the Personnel Board on a study committee of the Town Meeting, or to affect the Tenure of said member on the Personnel Board.

SECTION 2.01*C*. MEMBERSHIP.—(Same as Section 2.01*A*, but with following paragraph inserted after the first paragraph):

At least [one] [two] of the persons appointed to the Personnel Board as hereinbefore provided shall be chosen by the [Moderator] [Board of Selectmen] [Town Manager] [Appointing Authority] from a panel of not less than five registered voters of the Town nominated by Town employees in a meeting of said employees called by the Town Clerk for that purpose. Said nominees [may] [shall] [shall not] include the names of persons who are employees of the Town [but shall not include the name of any person who is a department head or elected officer of the Town].

SECTION 2.01*D*. MEMBERSHIP.—(Same as Section 2.01*A*, but with following sentence added to first paragraph):

At least one member of the Personnel Board shall be a Town employee [other than a department head or elected officer of the Town].

SECTION 2.01*E*. MEMBERSHIP.—There is hereby established an unpaid Personnel Board consisting of the Chairman of the Board of Selectmen [or a member of the Board of Selectmen designated by him] [or his designated representative], the Chairman of the Finance Committee [or a member of that Committee designated by him] [or his designated representative] and three members appointed by the Moderator to serve for three-year terms; provided, that of the members originally appointed by the Moderator, one shall serve for a term of one year, one for a term of two years, and one for a term of three years, as the Moderator shall determine. At least one of the members appointed by the Moderator shall be qualified by reason of his experience as a personnel executive. [; and one shall be an appointive Town employee].

SECTION 2.01*F*. MEMBERSHIP.—There is hereby established an unpaid Personnel Board consisting of one member of the Board of Selectmen elected by the Selectmen, one member of the Finance Committee elected by the Finance Committee, and one registered voter of the Town [who shall be experienced in personnel management and classification in private industry or the federal or state service] to be appointed by the Board of Selectmen. Each member of the Personnel Board shall serve for a term of one year, commencing on the [first day of the month immediately following the opening session of the Annual Town Meeting] [the first day of ——— in each year]. If any member of the Personnel Board shall resign or otherwise vacate his office, his successor shall be elected or appointed, as specified hereinbefore, for the balance of the unexpired term. No vacancy on the Board shall continue for more than thirty days. Each member of the Personnel Board shall serve until his successor has qualified.

SECTION 2.01*G*. MEMBERSHIP.—There is hereby established an unpaid Personnel Board consisting of [two members of the Finance Committee] [two registered voters of the Town] appointed by the Finance Committee and one registered voter of the Town appointed by the Board of Selectmen. Such appointments shall be made not later than ——— days following the termination of the Annual Town Meeting; and each appointee shall serve until the conclusion of the Annual Town Meeting in the year following his appointment, or until his successor shall have qualified. If any appointee shall resign or otherwise vacate his office, his successor shall be appointed, as provided herein, for the balance of the unexpired term.

SECTION 2.01*H*. MEMBERSHIP.—There is hereby established an unpaid Personnel Board consisting of five registered voters of the Town, of whom [three] [four] shall be appointed by the [Moderator] [Board of Selectmen] [Town Manager, with the approval of the Board of Selectmen] and [two] [one] shall be elected by the Town employees. Each member of the Personnel Board so appointed or elected shall serve for a term of three years; provided, however, that of the members originally appointed as herein provided, ——— shall serve for a term of one year, ——— for a term of two years, and ——— for a term of three years; and [the member originally elected shall serve for a term of three years] [of the two members originally elected, one shall serve for a term of ——— and the other for a term of ——— years]. Such appointment or election shall take place not later than thirty days following the effective date of this By-Law, in the instance of original appointments and elections; and not later than thirty days following the Annual Town Meeting, in other instances. If any member shall resign or otherwise vacate his office, his successor shall be appointed by the

[Moderator] [Board of Selectmen] [Town Manager, with the approval of the Board of Selectmen] for the balance of the unexpired term; provided, that if a vacancy as aforesaid shall occur in the office of an elected member, his successor shall be so appointed to serve only until [the conclusion of the next Annual Town Meeting immediately following] [the Town Clerk is able to call a meeting of the Town employees for the purpose of electing a successor to the said elected member]. Each member of the Personnel Board shall serve until his successor has qualified.

The Town Clerk shall, conformable to this By-Law, call such meetings of the Town employees as may be necessary to elect the Personnel Board member[s] representing the said employees. [The election shall be under the supervision of the selectmen] [The election shall be under the superivision of three election officers, appointed for the purpose by the Moderator, who shall not be paid officials or employees of the Town] [The Town Clerk shall be the presiding officer at such meetings]; and said meetings shall be conducted according to [the rules of procedure prevailing in the Annual Town Meeting] [Robert's Rules of Order] [such rules as may be established therefor by resolution of the Personnel Board]. Voting in such meetings of employees shall be by secret ballot [and no person shall be deemed elected who does not receive at least ——— percent of the votes cast].

SECTION 2.01*I*. MEMBERSHIP.—There is hereby established an unpaid Personnel Board consisting of three members appointed by the [Moderator], [Board of Selectmen] one of whom shall be an elected official of the Town, one an appointed official, and one a registered voter of the Town. Each member shall serve for a term of three years; provided, that of the persons originally appointed, one shall be appointed for a term of one year, one for a term of two years and one for a term of three years.

If any member of the Personnel Board shall resign or otherwise vacate his office before the expiration of his term, his successor shall be appointed, as provided above, to serve for the balance of the unexpired term. Each member of the Board shall serve until his successor has qualified.

Original appointments to the Personnel Board under this By-Law shall be made not later than thirty days following the effective date of the By-Law; and subsequent appointments shall be made within thirty days following the expiration of the term of the Board member who is to be replaced.

SECTION 2.01*J*. MEMBERSHIP.—There is hereby established a Personnel Board, consisting of the members of the Board of Selectmen [and the Town Manager, who shall be Secretary of the Personnel Board] [and the Executive Secretary of the Board of Selectmen, who shall also be Personnel Board Secretary] [and the Town Accountant, who shall be Secretary of the Personnel Board].

SECTION 2.01*K*. MEMBERSHIP.—There is hereby established, within the Finance Committee, a subcommittee on the salaries, wages and conditions of employment of Town personnel, said subcommittee to be known as the Personnel Board. The subcommittee shall consist of such members of the Finance Committee as the Chairman of the Finance Committee may from time to time determine.

SECTION 2.01*L*. PERSONNEL DEPARTMENT.—There is hereby established, [under the supervision and control of the Board of Selectmen] a Personnel Department, which shall administer the provisions of this By-Law. The Department shall consist of [the Town Manager] [a Director of Personnel appointed by the Board of Selectmen] [the Executive Secretary to the Board of Selectmen], who shall be the Chief Administrative Officer of the Department, and such subordinate clerical and technical personnel as [he] [the Board of Selectmen] may employ for the purposes of this By-Law. The Personnel Department shall be the "personnel agency" of the Town within the meaning of Section 108C of Chapter 41 of the General Laws.

[The Board of Selectmen] [The Town Manager] [The Director of Personnel] may from time to time appoint advisory committees to assist the Department in conducting studies relative to the compensation, hours of work and conditions of employment of Town employees.

SECTION 2.02. OFFICERS AND PROCEEDINGS.—The Personnel Board shall, annually in April, elect its own Chairman [and Vice-Chairman]; and in the absence or incapacity of the Chairman, [the Vice-Chairman] [the senior member of the Board present, in term of service,] [a Chairman pro tempore, named by the Board members from among their own number,] shall act as Chairman. The Board shall keep a record of its official proceedings and actions [which shall be kept open to public inspection], may establish its own rules of procedure and may, subject to appropriation therefor, make such expenditures as may be necessary to the performance of its duties.

The Personnel Board shall meet regularly [at least once in every month] [once a month in at least ten months of every year], as it shall determine in its rules, for the transaction of business under this By-Law; and it may hold such special meetings as may be called by the Chairman, or directed by vote of the Board. [If the Chairman of the Board shall fail to call a meeting of the Board when so requested by members of the Board or by other persons having business with the Board, the Town Clerk shall call such meeting, upon a petition in writing signed by a majority of the members of said Board]. Notices of all public meetings of the Board shall be posted conspicuously in at least three public places in the Town, [and] [or] shall be published in one or more newspapers having circulation in the Town, seasonable before the time of such meetings. A majority of the total membership of the Board shall constitute a quorum for the transaction of the business of the Board; [and the affirmative vote of a majority of said total membership shall be necessary for any official act of the Board].

The Selectmen shall furnish the Personnel Board with such office space as it may require for the performance of its duties and the storage of its property; and upon application of the Board, shall provide it with an adequate place for the holding of public hearings.

SECTION 2.03. SECRETARY AND STAFF OF PERSONNEL BOARD.—The Personnel Board may, subject to appropriation therefor, employ such clerical, technical and other assistance as it deems necessary. [The Board may appoint a Secretary who shall serve at its pleasure] [, but said Secretary may not be a member of the Board] [, but said Secretary may not be a person in the employ of any other Town department.] [The Town Accountant] [The Executive Secretary to the Board of Selectmen] [The Finance Committee Secretary] [shall serve as Secretary to the Personnel Board.]

(Note:—Omit this section if a Personnel Department is established under Section 2.01*L*.)

SECTION 2.04. ADMINISTRATIVE AUTHORITY OF PERSONNEL [BOARD] [DEPARTMENT].—The Personnel [Board] [Department] is hereby authorized to administer the provisions of this By-Law, except for such duties as may be specifically assigned by statute or by-law to other Town officers, boards or committees; and it shall have the authority to decide all questions relating to the application of this By-Law. Appeals may be taken from decisions of the Personnel [Board to the Town at the next Annual Town Meeting] [Department to the Board of Selectmen, subject to a further appeal to the Town at the next Annual Town Meeting].

The Personnel [Board] [Department, with the approval of the Selectmen] may from time to time issue, amend, or revoke Administrative Orders for the purpose of giving effect to the provisions of this By-Law, and for the purpose of giving effect

to the provisions of such other by-laws and votes of the Town, pertaining to personnel administration, as said [Board] [Department] may be responsible for administering and/or enforcing. Each such order shall be numbered in sequence, and said [Board] [Department] shall maintain in its office a file of all such orders issued, said file to be open to public inspection.

Except as otherwise provided by law, the Personnel [Board] [Department] shall have access to all facts, figures, records, and other information relating to the personnel of Town departments other than the School Department, and the same shall be furnished forthwith by any such department whenever so requested by the Personnel [Board] [Department], in such form as said [Board] [Department] may require.

SECTION 2.05. ANNUAL REPORT.—The Personnel [Board] [Department] shall file an annual report of its activities [conformable to the requirements of Section ——— of ——— of the General By-Laws of the Town] [and recommendations with the Board of Selectmen and the Finance Committee not later than the ——— day of ——— in each year].

TITLE III. PERSONNEL RECORDS

SECTION 3.01. PERSONNEL RECORDS AND REPORTS.—A Personnel record of all Town employees, including both elected and appointed employees, shall be kept by the Town Accountant in his office. Said record shall contain all the vital statistics and other pertinent data of each and every person employed by the Town. It shall be the duty of each Town officer and employee to furnish to the Town Accountant forthwith, upon his request, all data needed for the completion of this record, and such personnel records and reports as the Personnel [Board] [Department] may require.

Each department head shall submit to the Town Accountant on Monday of each week, in such form as the Personnel [Board] [Department] shall prescribe, a report of all officers and employees of the department absent from duty during the calendar week immediately preceding, specifying in each case whether the officer or employee was absent on vacation leave, on leave of absence, on occupational sick leave, on non-occupational sick leave, on bereavement leave, on court leave, or on military leave, or specifying the nature of his absence if it was not for one of the foregoing reasons.

The oath or affirmation required of persons entering the employ of the Town by Section 14 of Chapter 264 of the General Laws, as amended, shall be kept on file in the office of the Town Clerk.

SECTION 3.02. STANDARDIZATION.—The Personnel [Board] [Department], in consultation with other Town officers and agencies concerned, shall have the authority to standardize the administrative forms and records used in Town personnel administration, other than those whose format is regulated by statute or by state agencies supervising municipal administration.

TITLE IV. HOURS, DAYS AND WEEKS OF WORK

SECTION 4.01. HOURS DURING WHICH TOWN OFFICES SHALL REMAIN OPEN.—All offices of boards or other agencies of the Town shall be open to the public for the transaction of business daily on days other than Saturdays, Sundays, and holidays for such hours, beginning not later than [———] in the forenoon and ending not earlier than [———] in the afternoon, as may be set by the board or agency subject to the approval of the Selectmen, except that if the convenience of the public so requires, any board or agency, subject to like approval, may keep any office under its jurisdiction open on any Saturday, not

a holiday, from [———————] in the forenoon to [———————] and give any employee required to work on Saturday equivalent time off without loss of compensation. If any employee, other than the head of a department or a division, shall be required to work overtime, the employing authority may give him equivalent time off without loss of compensation.

The Selectmen may, subject to the laws of the Commonwealth, require any Town board or agency to keep one or more of its offices open on Saturdays, Sundays, holidays, or after normal working hours for the transaction of emergency or other great public disaster in the Town; and after the termination of said emergency or disaster, any employee required to work during Saturdays, Sundays, holidays, or after normal working hours as aforesaid shall be given equivalent time off without loss of compensation.

SECTION 4.02. WORKING HOURS OF FIREMEN.—The hours of duty of the permanent members of the uniformed firefighting force of the Town shall be so established by the Selectmen, that the average weekly hours of duty in any year, other than hours during which members may be summoned and kept on duty because of conflagrations or emergencies, shall be ——————— in number.

SECTION 4.03. WORKING HOURS OF POLICEMEN.—The hours of duty of members of the Police Department shall be so established by the Selectmen [, acting through the Chief of Police,] that members of said department shall be excused from duty for ——————— days out of every ——————— without loss of pay [, as provided in Section ——————— of Chapter 147 of the General Laws, as amended].

SECTION 4.04. OFF-DUTY EMPLOYMENT OF FIREMEN AND POLICEMEN LIMITED.—No permanent full-time member of the uniformed firefighting force or of the Police force of the Town shall be gainfully employed in his off-duty hours [for a total of more than ——————— hours in any one week] [except in accordance with the regulations of his department]; provided, (1) that special permission to undertake such employment may be granted to a firefighter or police officer by the Selectmen, after a hearing, in order to relieve unusual hardship; and (2) that this section shall not be construed to prohibit or penalize service by a firefighter or police officer in the Civil Defense system or in the state or federal armed forces. Employment limited or prohibited under this section shall not include maintenance work, by a firefighter or police officer, of his own homestead or his other personal property.

SECTION 4.05. [PERSONNEL SUBJECT TO CHAPTER 149 OF THE GENERAL LAWS] [PUBLIC WORKS EMPLOYEES].—Except as may otherwise be required by law, the service of all laborers, workmen, mechanics, engineers, janitors, custodians, and other employees subject to the provisions of Sections 31 and 33, inclusive, of Chapter 149 of the General Laws, as amended, shall be restricted to [———————] hours in any one day, except in cases of extraordinary emergency; provided, that in the event of a Saturday half-holiday being given to any such employee, his hours of employment on other working days may be increased sufficiently to make a total of [———————] hours for his week's work. The basic work week for all hourly-rated employees of the Town shall be [———————] totaling [———————] hours in all. Overtime shall be worked only when necessary in the judgment of the department head and shall be authorized by him in advance.

SECTION 4.06. RESTRICTION ON PERSONNEL [BOARD] [DEPARTMENT].—Nothing in this By-Law shall be construed to authorize the Personnel [Board] [Department] to fix the working hours of departments or Town officers and employees, other than employees of said Personnel [Board] [Department].

TITLE V. EMPLOYMENTS, PROMOTIONS AND TRANSFERS

SECTION 5.01. NON-CIVIL SERVICE PERSONNEL.—The employment, promotion and transfer of Town personnel not subject to the provisions of the Civil Service Law shall be according to the following conditions:

(a) The Town Clerk, or in the absence or incapacity of the Town Clerk the acting Town Clerk, shall promptly notify the Personnel [Board] [Department] when a person duly and lawfully elected to a paid elective office of the Town has qualified to perform and has entered upon the duties of said office; and upon receipt of said notice the [Board] [Department] shall deem such person to be properly employed and shall authorize the payment to him of the emoluments of his office. The Town Clerk, or in the absence or incapacity of the Town Clerk, the acting Town Clerk, shall promptly notify the Personnel [Board] [Department] when the incumbent of a paid elective Town office has resigned from or has otherwise vacated the same; and upon receipt of said notice the [Board] [Department] shall deem said incumbent to be separated from the Town service.

(b) Except for emergency employees and when not in conflict with the laws of the Commonwealth, no employment in or transfer to a paid appointive position in the Town service not subject to the Civil Service Law shall take effect until the same has been approved by the Personnel [Board] [Department] as being in compliance with the requirements of the Classification Plan, Compensation Plan and other provisions of this by-law; and if such employment or transfer is in compliance as aforesaid, the Personnel [Board] [Department] shall approve the same, and may make such approval retroactive. In the case of an emergency declared by the elected officer or board having supervision of a department, said department may, subject to the limitations of its appropriation and to such requirements as the Personnel [Board] [Department] may determine, employ emergency employees without requirement of prior approval by said [Board] [Department].

(c) No employment or promotion hereunder shall become effective until such time as the appropriation or other monies out of which the compensation is to be paid shall be adequate.

(d) No proposed promotion to a position subject to this section shall be approved by the Personnel [Board] [Department] until it shall first have been approved by the elected officer or elected board having the supervision and control of the department in which the employee is employed.

(e) If a candidate for employment by the Town under this or the next section shall refuse to take the oath or affirmation required by Section 14 of Chapter 264 of the General Laws, as amended, the Personnel [Board] [Department] shall refuse to approve his employment.

SECTION 5.02. PERSONNEL SUBJECT TO CIVIL SERVICE LAW.—No person shall be appointed, transferred, or promoted to any position in the Town service which is subject to the Civil Service Law unless such appointment, transfer or promotion shall be in compliance with the pensions of said law and the rules and regulations made thereunder. Before making any such appointment, transfer or promotion, the appointing authority shall notify the Personnel [Board] [Department], in such form as it may require, of his intent to appoint, transfer or promote an employee subject to the Civil Service Law.

SECTION 5.03. MEDICAL EXAMINATIONS OF JOB APPLICANTS.—Every applicant for permanent appointive employment by the Town shall be certified by a practicing physician, designated by the Town, as to his or her physical fitness to perform the duties of the position to which such applicant seeks appointment, and as to any physical condition of the applicant which might adversly affect the insurance coverage of the Town under Chapter 152 of the General Laws or the group insurance coverage of other Town employees. If the Personnel

[Board] [Department] deems such action necessary to the protection of the Town, it may require any applicant for temporary appointive employment by the Town who is to be employed for thirty days or more, or any temporary appointive employee who has been employed by the Town for thirty days and has not been so certified, to be certified by a physician, designated by the Town, as to his or her physical fitness to do the work required by the Town, and as to the presence of any condition detrimental to the insurance coverage hereinbefore described. The certification required hereunder shall be in such form as the said [Board] [Department] shall determine. The cost of any physical examination required by this section shall be paid by the Town, and shall be charged to the appropriation of the department in which the position is for which such application was made or temporary employment authorized, or shall be charged to such special appropriation as the Town may make for the purposes of this section.

TITLE VI. CLASSIFICATION PLAN

(*Author's Note*:—Under Title VI two alternative types of classification by-laws are presented. The first Plan A, consisting of sections whose numbers bear the capital letter suffix *A*, is the form of by-law which uses a group system of classification and does not incorporate salary amounts as part of the language of the by-law: these amounts, with step-rates, are established annually by the vote of the Town Meeting in vote, rather than by-law form, as indicated in the note under Title VII. The second *Plan B* form of by-law, represented by the *B* series of sections, includes salary and wage amounts in the by-law and omits the use of groups.

(*Plan A*)

SECTION 6.01A. ESTABLISHMENT OF CLASSIFICATION PLAN.—Sections 6.01 through 6.04, inclusive, shall constitute the Classification Plan of the Town within the meaning of Section 108A of Chapter 41 of the General Laws.

The positions of all officers and employees in the service of the Town, other than the positions of officers elected by the Town and positions in the service of the School Department, are hereby classified by titles in groups listed in the following schedule, whether said positions are full-time, part-time, seasonal, casual or other in nature:

Group 61
Superintendent of Public Works

Group 60
Town Engineer
Fire Chief
Chief of Police

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.
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Group 10
Library Senior Helper
Common Laborer

(List as many groups and titles as necessary, remembering to use statutory titles for positions established by law, and civil service titles for all positions subject to the Civil Service Law).

SECTION 6.02A. CLASSIFICATION OF EXISTING AND NEW POSITIONS.—The title of each class, as established by the Classification Plan, shall, except as otherwise provided herein, be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated, and

shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position.

If, in the instance of any position subject to the Civil Service Law, a different title for the position shall be established by the Director of Civil Service, such title shall be the official title of the incumbent of said position and shall be used in lieu of the title described in the first paragraph, on all payrolls, budget estimates, and other official records and reports pertaining to the position.

Except for paid elective positions, and except for positions allocated to their appropriate class by the Director of Civil Service pursuant to the Civil Service Law, each position in the Town service other than positions under the supervision and control of the School Committee shall be allocated by the Personnel [Board] [Department] to a class established by the Classification Plan. No person shall be appointed, employed or paid as an employee of the Town in any position subject to this Classification Plan, under any title other than a title appearing in said Plan or a title approved as stipulated in Sections 6.04 or 7.02; nor shall such a person be employed under a title inappropriate to the Classification Plan in terms of the duties actually to be performed, or being performed, in the position, except as provided in the emergency provisions of this By-Law.

Whenever a new position is established, or the duties of an existing position are so changed as in effect to create a new position, upon presentation of substantiating data satisfactory to the Personnel [Board] [Department], the said [Board] [Department] shall allocate such new or changed position to its appropriate class. No position shall be reclassified until the Personnel [Board] [Department] has determined that such reclassification will be consistent with the Classification and Compensation Plans.

SECTION 6.03*A*. CLASSIFICATION DESCRIPTIONS AND QUALIFICATIONS.—The Personnel [Board] [Department] shall establish, maintain and amend from time to time, as it deems necessary, written definitions or job descriptions for each class of positions established pursuant to Section [6.01*A*] [6.05*B*], and for each class of paid elective positions. Said definition or job description shall describe the essential character of the duties and responsibilities of positions properly allocated to the class, with illustrative examples of work where desirable, setting forth the minimum qualifications for entrance to positions of the class. Such definitions or job descriptions shall be descriptive only and, except as provided herein with respect to minimum qualifications, not restrictive. They shall serve to define the scope of the several classes and not to prescribe in detail the duties or lines of promotion of any individual position.

In the instance of paid elective positions, the minimum qualifications for employment shall be (a) lawful election to the position, and (b) compliance with any special qualification prescribed by state law for such position.

In the instance of classes of positions subject to the Civil Service Law, the minimum qualifications and specifications of employment shall be those approved by the Director of Civil Service. In the instance of a class containing positions subject to said Civil Service Law and positions not subject thereto, the minimum qualifications set forth in the definition or job description of that class required by the first paragraph of this section shall include the minimum qualifications approved by the Director of Civil Service for positions of the class subject to said law; but any other qualifications listed therein and not approved by said Director shall not be construed to apply to the appointment of employees subject to the Civil Service Law.

In the instance of all other classes of positions, the minimum qualifications for allocation thereto shall be prescribed by the Personnel [Board] [Department] and shall be based upon (a) the minimum qualifications recommended to said [Board] [Department] for classification purposes by department heads, (b) an

examination by the Personnel [Board] [Department] of the work content of positions allocated to the class, and (c) the Personnel [Board's] [Department's] study of comparable positions in private employment, in the service of other municipalities and in the State service.

SECTION 6.04*A*. EMERGENCY CLASSIFICATIONS AND COMPENSATION.—In the case of urgent necessity the Personnel [Board] [Department], after consultation with the appointing authority, and subject to the approval of the Director of Civil Service when required by law, may anticipate formal action by the Town Meeting by establishing new classes of positions, and compensation therefor, subject to subsequent early ratification by the Town at a Town Meeting.

(*Plan B*)

SECTION 6.01*B*. ESTABLISHMENT OF CLASSIFICATION PLAN.—Sections 6.01 through 6.05, inclusive, and the classes of positions established pursuant to Section 7.02, shall constitute the Classification Plan of the Town within the meaning of Section 108A of Chapter 41 of the General Laws, as amended.

SECTION 6.02*B*.—(Same text as Section 6.02*A*).

SECTION 6.03*B*.—(Same text as Section 6.03*A*).

SECTION 6.04*B*.—(Same text as Section 6.04*A*).

SECTION 6.05*B*. CLASSIFICATION SCHEDULE AND STANDARD RATES OF COMPENSATION OF THE PAID APPOINTIVE SERVICE OF THE TOWN.—Except as otherwise required by state law, the classes of positions in the paid appointive service of the Town (other than those in the service of the School Department) and the standard rates of compensation thereof, and the compensation of positions classified by the Director of Civil Service, shall be as follows:

CLERICAL SERVICE

Classes of Position	Rate of Compensation Minimum	Maximum
Principal Clerk	$2,700.00	$3,000.00
Senior Clerk-Stenographer, Welfare Department	2,400.00	2,700.00
Senior Clerk	2,400.00	2,700.00
Clerk	2,000.00	2,300.00
Selectmen's Clerk		440.00
Committee Secretary (per hour)		1.50
Temporary Part-time Clerk (per hour)		1.15
Custodial Service		
Senior Custodian	3.200.00	3,650.00
Custodian	2,500.00	2,800.00
Town Hall Janitor	2,300.00	2,600.00
Substitute Janitor (per hour)		1.15

(Insert other classes, by departments or functions, as necessary, remembering to use statutory titles and civil service titles where required).

TITLE VII. COMPENSATION PLAN

(*Author's Note*:—The presentation under Title VII continues the two alternative plan presentation of Title VI, the *A* sections complimenting the *A* sections of Title VI, and the *B* sections constituting the remainder of Plan B of Title VI. The Plan B portion of Title VII reflects more extensive Town Meeting regulation and control

over the Pay Plan than does the simpler Plan A, which leaves most of the detail to determination by administrative order of the Personnel agency under Section 2.04).

(Plan A)

SECTION 7.01*A*. COMPENSATION PLAN ESTABLISHMENT.—A Compensation Plan shall be established, and from time to time amended, by vote of the Town at [a Town Meeting] [an Annual Town Meeting]. Said plan shall provide minimum and maximum salaries, or single rate salaries, or pay on an hourly rated basis, for the groups of positions in the Classification Plan established by Section 6.01. The salary range, wage range, or rate, of a group shall be the salary range, wage range, or rate, for all positions classified in the group.

The Personnel [Board] [Department] shall administer the provisions of the Compensation Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration thereof, subject to the requirements of Section 2.04.

Upon recommendation of a department head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel [Board] [Department], said [Board] [Personnel Department] may authorize an entrance rate higher than the minimum rate for a position established by vote of the Town, and such other variances in the Compensation Plan as it may deem necessary for the proper functioning of the services of the Town.

SECTION 7.02*A*. COMPENSATION OF PHYSICIANS AND CERTAIN OTHER EMPLOYEES.—The rates of compensation of the following offices and positions shall be established and may from time to time be changed, by the appointing authority concerned, subject to the approval of the Personnel [Board] [Department] and to the limitations of funds available to said appointing authority:

(a) Physicians.

(b) Attorneys.

(c) Temporary positions established in connection with the taking of the decennial census, except positions which can be allocated to classes appearing in Section [6.01*A*] [6.05*B*]; provided, that in the instance of positions subject to this clause (c) the official titles of such positions shall be established by the Personnel [Board] [Department] in consultation with the appointing authority, except as otherwise provided by statute.

(List any other special cases desired).

SECTION 7.03*A*. SALARY AND WAGE ADJUSTMENT RESERVE.—Each department head shall include in the budget of his department a salary and wage adjustment reserve to provide funds for anticipated salary and wage adjustments of personnel of the department during the year. Expenditures shall be made from such reserve only in accordance with the Compensation Plan and with the approval of the Personnel [Board] [Department].

(Plan B)

SECTION 7.01*B*. COMPENSATION PLAN.—The standard rates of compensation established pursuant to Sections 6.05 and 7.02 for the classes of positions in the paid appointive service of the Town shall, together with the provisions of Section 6.04, and Sections 7.01 through 7.10 inclusive, constitute the Compensation Plan of the Town within the meaning of Section 108A of Chapter 41 of the General Laws, as amended. Said Plan shall be administered by the Personnel [Board] [Department] according to the provisions thereof.

Footnote to Section 7.01*B*.—Indirect inclusion of elective officers in a Plan B

Compensation Plan has been achieved by the Annual Town Meeting in some towns by means of an article in the warrant phrased thus (for the reader's convenience, the references have been changed to comply with the Plan B here presented): *ARTICLE* (*insert number*). To see if the Town will vote to fix the compensation of each of the elective officers of the Town, as required by General Laws, Chapter 41, Section 108, as amended, in accordance with the proposed minimum and maximum rates recommended by the Personnel Board, with step-rates to be paid as set forth in Section 7.05 of the Consolidated Personnel By-Law, [and with extra increments as provided in Section 7.09 of said By-Law] as follows: (Insert titles of elective officers, with salary minima and maxima, and flat-rate salaries, as desired).

SECTION 7.02*B*.—(Same text as Section 7.02*A*).

SECTION 7.03*B*.—(Same text as Section 7.03*A*).

SECTION 7.04*B*.—INTERPRETATION OF STANDARD RATES OF COMPENSATION.—The standard rates of compensation established by the Compensation Plan shall be construed as follows:

(a) The rates of compensation are in terms of dollars [per week] [per month] [per year] for full-time employment, except where otherwise stated. It shall be permissible to pay equivalent compensation on other time bases, provided that the equivalent amount for any time unit other than [a week] [a month] [a year] shall be approved by the Personnel [Board] [Department] based on the ratio that such other time unit bears to full-time employment for [the number of days normally constituting the work week of an employee in his employing department] [the number of days normally constituting the work month of an employee in his employing department] [a twelve-month period]. In the case of temporary or emergency employment, deviation from the ratio aforementioned shall be subject to the approval of the Personnel [Board] [Department] in each individual instance.

(b) The rates of compensation prescribed, unless specific exception is noted in the compensation schedule for any class, shall, except as otherwise provided by paragraph (c) of Section 7.06, or by Section 7.10 represent the total remuneration to be paid to employees, including pay in every form, but not including reimbursement of actual authorized expenses incurred as necessary incidents to employment.

(c) In every case in which compensation for work done, exclusive of overtime, is paid to a full-time employee by another department than that in which he is regularly and primarily employed, such payments shall be deducted from the regular compensation due that employee, unless an exception has been specifically authorized by statute, or has been specifically authorized in an individual case by the Personnel [Board] [Department].

(d) Where employment is on a part-time basis and no exception is noted in the rate of compensation for the class, only the proportionate part of the annual compensation for time actually employed shall be paid.

SECTION 7.05*B*. STEP-RATES.—Advancement from the minimum to maximum rates shown in Section 6.05 shall be as follows:

(a) In the instance of positions compensated at a maximum rate not exceeding $——— per ———, such advancement shall be by three equal, annual, successive steps;

(b) In the instance of positions compensated at a maximum rate exceeding $——— per ——— but not exceeding $——— per———, such advancement shall be by four equal, annual, successive steps;

(c) In the instance of positions compensated at a maximum rate exceeding $——— per———, such advancement shall be by five equal, annual, successive steps.

Neither the establishment of a new minimum salary under the Compensation Plan nor the establishment of a greater number of step-rate increases thereunder shall have the effect of reducing the total compensation to which an employee, incumbent in a position at the time such change takes effect, shall be entitled. No such advancement shall be made until the same shall be approved by the Personnel [Board] [Department] or its authorized agent; and said [Board] [Department] or its authorized agent shall not so approve until after the employing authority shall have recommended such advancement in writing to the [Board] [Department] or its authorized agent.

SECTION 7.06*B*. OPERATION OF STANDARD RATES OF COMPENSATION.—(a) Except as provided in paragraphs (b), (c) and (d) below, the Personnel [Board] [Department] shall approve as the rate of compensation for entrance into any position only the minimum rate in the scale for the class to which the position has been allocated. In the instance of an elected officer entering upon his first term in his office, the salary paid to such officer shall be the minimum salary established for such office by annual vote of the Town Meeting; and if a salary range with a minimum and maximum rate shall be established for an elective office by such vote, salary increments to incumbents shall be payable, on the basis of length of [continuous] service in said office, as provided in Section 7.05, unless the Town shall otherwise determine.

(b) When a person already in the employ of the Town is transferred to another position having a maximum rate of compensation lower than the rate of compensation being received by him in his former position, he shall enter the new position at its maximum rate.

(c) If the minimum rate of compensation for entrance into a position in any class, as established by the provisions of Section 6.05, shall be less than the minimum rate of compensation for entrance into such position prescribed by the Welfare Compensation Plan or by any statute applying to the Town, the Personnel [Board] [Department] shall approve as the rate of compensation for entrance into said position the minimum rate therefore established by the Commonwealth in said Welfare Compensation Plan or said statute.

(d) Upon the recommendation of the appointing authority, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel [Board] [Department], and subject to the approval of the Town at the next Annual Town Meeting, the Personnel [Board] [Department] may approve an entrance rate that may be greater than established for the position concerned by Section 6.05. Before applying to the Personnel [Board] [Department] for permission to fill an appointive position at a rate greater than the entrance rate thereof as provided herein, the appointing authority shall advertise the vacancy to be filled in a newspaper having circulation in the Town and shall include such information in said advertisement as the Personnel [Board] [Department] shall prescribe in its administrative orders and regulations; provided, however, that the advertising requirement of this paragraph shall not be in force during an emergency in the Town declared pursuant to the Civil Defense Act, so-called.

(e) If a position subject to the Civil Service Law shall be classified by the Director of Civil Service under a title not specified in Section 6.05, the rate of compensation of such position shall be that of the class of positions most closely resembling said position in respect to work content and requirement, as determined by the Personnel [Board] [Department], until suitable action can be taken by the next [Annual] Town Meeting on recommendation of said [Board] [Department].

(f) Subject to the provisions of the Civil Service Law, where the same apply, and subject to the approval of the Personnel [Board] [Department], applicants for temporary employment may be employed at less than the minimum

compensation prescribed for the particular class by the compensation schedule in Section 6.05.

(g) Increases in compensation under the Compensation Plan are permissive and are not mandatory; and no increase shall become effective unless the appropriation made according to law, to which it is chargeable, is sufficient for the purpose, and unless it is in compliance with Section 7.05 and this section.

(h) No change in the title of a class of positions shall have the effect of reducing the compensation of incumbents serving in positions allocated to the class at the time of such change.

SECTION 7.07*B*. "GRANDFATHER CLAUSE".—No employee incumbent in a Town position subject to this By-Law shall suffer a reduction of the salary or wage being received by him at the time of installation of this Compensation Plan. If such employee is receiving a salary or wage in excess of the maximum rate established for his position by this Plan, such salary or wage shall become a personal rate applicable only to that employee and to no other, and shall disappear when such employee leaves the Town service or transfers to another position; and no other employee subsequently appointed to the position so vacated shall be entitled to the personal rate of his predecessor. Personal rates of employees subject to this section shall not increase, but shall disappear when equalled or exceeded by the rate established for the position concerned by the later amendments of the Compensation Plan.

SECTION 7.08*B*. EXTRA-DAY AND OVERTIME PAY.—(a) A regular member of the Fire Department or Police Department who performs an extra day's work in any week shall be paid therefor an amount equal to [his regular weekly compensation divided by the number of days in his normal work week] [——————— times his regular weekly compensation divided by the number of days in his normal work week].

(b) Laborers, workmen, mechanics, engineers, janitors, custodians and other employees [defined in] [subject to] the provisions of Sections 31 to 33, inclusive, of Chapter 149 of the General Laws, as amended, shall be paid for overtime work at the rate of ——————— times the basic hourly rate, or hourly equivalent of the rate, established for their respective positions by the Compensation Plan schedule.

(Insert other paragraphs as desired) . . .

SECTION 7.09*B*. TOTAL SERVICE LONGEVITY INCREMENT.—In addition to the step-rate increases or advancement provided in Section 7.05, there shall be added to the annual compensation of each full-time employee of the Town, including each full-time hourly-rated employee, the sum of $——————— after five years of continuous full-time employment by the Town, a second $——————— after ten years of such employment, a third $——————— after fifteen years of such employment, and a fourth $——————— after twenty years of such employment for each five-year period of full-time continuous employment by the Town. Interruption of such employment for the purpose of performing military service shall not be deemed to break the continuity of service with the Town in calculating benefits payable under this section, provided that no employment other than military service is entered into by the employee during the period of said interruption. Payments hereunder shall be subject to the provisions of paragraph (g) of Section 7.06; and no such payment shall be made until recommended in writing by the employing authority and approved by the Personnel [Board] [Department] or its authorized agent.

SECTION 7.10*B*. HOLIDAY PAY.—Regular, full-time, permanent Town employees shall be paid one day at regular straight-time pay, in accordance with present practices, for all State legal holidays which fall on, or are observed on,

regularly scheduled work days. Thus, if a State legal holiday shall fall on a Sunday but shall be observed on the following Monday, it shall be paid for. If a holiday falls on a Saturday which is not a regularly scheduled work day, it shall not be paid for. In the case of the Police and Fire Departments, whose personnel are subject to duty seven days a week, those employees performing their official duties on the holiday shall receive an extra day's pay; provided, (1) that if an employee assigned to work on a legal holiday shall not report for duty because of illness, he shall not be entitled to an extra day's pay as provided above; and provided, (2) that if an employee working on such legal holiday shall be unable to complete a full day's work because of injuries sustained by him in line of duty on such legal holiday, he shall nevertheless be entitled to the full amount of such extra day's pay; and provided, (3) that if an employee reporting for duty on a legal holiday shall be taken ill in the course of the day's work and shall have to be relieved of duty, he shall be entitled to that portion of an extra day's pay which is in proportion to the number of hours that he worked out of a full work day; and provided (4) that the provisions of this paragraph shall not be construed to authorize holiday pay for employees absent on vacation; and provided, (5) that the provisions of this paragraph shall not apply to the heads of said departments; and provided, (6) that if an employee shall work more than one shift, watch or tour of duty on the same legal holiday, he shall receive an extra day's pay for the first such shift, watch or tour of duty, but shall not be entitled to holiday pay for each subsequent shift, watch or tour of duty undertaken by him on that same day.

TITLE VIII. CONTINUING STUDY OF EMPLOYEES' PAY HOURS AND WORKING CONDITIONS

SECTION 8.01. STUDIES BY PERSONNEL [BOARD] [DEPARTMENT].—The Personnel [Board] [Department] from time to time, of its own motion, shall review and investigate the work content and standard rates of compensation of all positions in the Town service other than those under the supervision and control of the School Committee, said reviews and investigations to cover all such positions at intervals of not more than ——— years. The Personnel [Board] [Department] may take such other investigations of the conditions of employment of Town employees, other than School Department employees, as it deems necessary and proper, and may investigate any complaint relative to such conditions as may be filed with the [Board] [Personnel Department] by any department head, Town employee or other person or organization.

The Personnel [Board] [Department] shall make such recommendations to the regular Annual Town Meeting relative to the amendment of this By-Law as the [Board] [Department] deems necessary and proper, but shall report out no recommendations to a special Town Meeting other than a recommendation authorized by Section 6.04.

SECTION 8.02. REQUESTS FOR STUDIES OF BY-LAW AND CHANGES THEREIN.—Requests by department heads, individuals or groups of individuals for changes in the classification of personnel, for changes in the Classification and Compensation Plans, or for revisions of this By-Law, shall be filed with the Personnel [Board] [Department] by the requesting parties not later than the ——— day of ——— immediately preceding the next Annual Town Meeting.

SECTION 8.03. CO-OPERATION OF PERSONNEL AGENCY WITH SCHOOL COMMITTEE.—The Personnel [Board] [Department] and the School Committee shall confer from time to time about wages, salaries, hours and conditions of employment of Town employees, and shall establish a co-operative procedure for the exchange of information about such wages, hours and conditions, and for the prevention of salary and wage competition between departments which,

in the judgment of said [Board] [Department] and Committee, may prove detrimental to the interests of the Town.

TITLE IX. EXPENSE ALLOWANCES

SECTION 9.01. GENERAL.—Town officers and employees shall be reimbursed for expenses incurred by them in the performance of their duties, subject to rules and regulations governing such expenses, to be prescribed by [the Board of Selectmen, in consultation with the Finance Committee, Personnel Agency, and School Committee] [the Finance Committee, in consultation with the Selectmen, Personnel Agency, and School Committee] [a committee consisting of the Chairman of the Board of Selectmen, the Chairman of the Personnel Board, the Chairman of the Finance Committee and the Chairman of the School Committee]. Such rules and regulations shall be of uniform application. Before making any such rule or regulation, or amending the same, the [Board of Selectmen] [Finance Committee] [Committee] shall cause a public hearing to be held thereon, for which at least ——— days notice shall be given in a newspaper having circulation in the Town.

SECTION 9.02. MILEAGE.—Town officers and employees who use their own automobiles for travel in the performance of their official Town duties shall be reimbursed for such use at the rate of ——— cents per mile, subject to regulations made under authority of Section 9.01.

SECTION 9.03. APPLICATION OF TITLE IX.—The provision of Title IX shall apply to all departments, notwithstanding any other provisions of this By-Law.

TITLE X. FEES OF TOWN OFFICERS

SECTION 10.01. TO BE PAID TO TOWN TREASURY.—On and after ———, 19 —, all Town officers [, except constables,] shall pay all fees received by them by virtue of their office, into the Town treasury.

TITLE XI. VACATION PROVISIONS

SECTION 11.01. GENERAL REQUIREMENTS.—Each department head shall annually, after the first day of January in each year, develop a vacation schedule for all employees of his department who are or who may become eligible to receive vacation leave during said year; and he shall submit the same, in such form as the Personnel [Board] [Department] may require, to the Town Accountant not later than May first of said year. Said department head shall schedule vacations over as wide a period as possible in order to obviate the need for temporary increases in the personnel of his department. If in the course of such year it shall become necessary to amend said schedule, the department head shall notify the Town Accountant of such amendment not later than Wednesday of the week immediately preceding the week in which said amendment shall take effect.

If an employee eligible to receive vacation leave shall absent himself from duty without leave, the amount of such absence may be deducted proportionally from the amount of vacation leave due to said employee during the year in which such absence from duty without leave shall have occurred. If the employee shall already have taken the vacation leave due to him in that year, such absence may be chargeable against his next succeeding vacation leave allowance.

Vacation leave with pay shall not be granted to temporary employees.

Vacation leave shall not be cumulative from one year to another; provided, however, that if the vacation leave of an employee, scheduled to take his or her vacation in the month immediately preceding the date on which said employee's earned vacation credits are due to expire, is cancelled by the department to meet an emergency or to offset a critical shortage of personnel in the department during

said month, the amount of such vacation leave may, with the approval of the Personnel [Board] [Department], be added to the amount of vacation leave which said employee shall be eligible to receive in the year immediately following.

Additional vacation leave of one day at prorated vacation pay shall be allowed for each holiday occurring within a vacation period.

The vacation for a given calendar year may be taken at any time during that calendar year, subject to the approval of the department head or other authority concerned, and further subject to giving at least one week's advance notice in writing to the Town Accountant.

SECTION 11.02. VACATION LEAVE FOR FULL-TIME PERMANENT EMPLOYEES.—Vacation leave shall be granted to full-time permanent employees subject to the following provisions:

(a) In the instance of employees who have been employed for less than twelve months as of May first in the current year, vacation leave of one day shall be granted with full pay for each month of employment, provided (1) that such vacation leave shall not exceed ten days; and (2) that such vacation leave credit shall be calculated from the first day of employment.

(b) Vacation leave of two weeks with full pay shall be granted to any such employee who, as of May first, has been employed by the Town for at least one year, but less than fifteen years.

(c) Vacation leave of three weeks with full pay shall be granted to any such employee who, as of May first, has been employed by the Town for fifteen years or more.

(d) Vacation leave of three weeks with full pay shall be granted to any full-time permanent employee of the Library Department who, as of May first, has been employed by the Town for at least one year.

(e) Any such vacation leave shall be subject to such diminution as is provided in Section 11.01.

(f) An employee provisionally appointed to a full-time permanent position subject to the Civil Service Law shall be subject to the provisions of this section.

(g) Weekly vacation pay for full-time salaried employees is to be calculated by dividing the number of days in the year into the sum total of basic annual salary and annual salary and annual longevity pay, if any, both as of the time the vacation pay is drawn. Weekly vacation pay for full-time hourly-paid employees is based on forty (40) hours at the basic straight-time hourly wage rate at the time the vacation pay is drawn.

SECTION 11.03. VACATION LEAVE FOR PART-TIME PERMANENT EMPLOYEES.—Part-time permanent employees, including employees provisionally appointed to part-time positions subject to the Civil Service Law, [shall be entitled to the amount of vacation leave in the ratio that their part-time employment bears to full-time employment], [shall be entitled to ——— week of vacation after ——— year(s) of service, ——— weeks after ——— years of service, and ——— weeks after ——— years of service].

TITLE XII. COURT LEAVE PROVISIONS

SECTION 12.01. WHEN TO BE GRANTED.—A court leave of absence shall be granted to any Town officer or employee who (1) is called to serve upon a jury, or (2) is summoned to appear in court as a witness, or (3) shall request court leave for the purpose of appearing in court as a defendant or litigant. Such leave shall be granted only for the period of such jury service or for the period during which said officer or employee is required to be in court; and it shall in no way affect the employment rights of said officer or employee.

SECTION 12.02. STATUS OF JURY AND WITNESS FEES.—If the jury or witness fees, exclusive of travel allowances, received by said officer or employee for such jury duty or for service as a witness in court shall be less than the regular rate of compensation received by him from the Town, the difference between said fees and said regular rate of compensation shall be paid to such officer or employee by the Town. If the amount of such fees received by said officer or employee shall exceed the regular rate of compensation received by him from the Town, no compensation shall be paid to him by the Town for the period of his jury duty or witness duty; provided, however, that to qualify for any payment by the Town hereunder, the officer or employee aforesaid must furnish the Town Accountant with complete and satisfactory evidence of the jury or witness fees paid. As used in this paragraph, the phrase "regular rate of compensation" shall mean the amount of salary or wages which the Town would pay to such officer or employee for the hours of work which he would normally perform during the calendar time period otherwise consumed by his jury or witness service.

SECTION 12.03. PRIVATE COURT APPEARANCES.—When court leave is granted to an officer or employee to appear in court as a defendant or litigant, it shall be granted without pay; provided, however, that the said officer or employee may, with the approval of the Personnel [Board] [Department], substitute one day of court leave with pay for one day of vacation leave with pay, not to exceed in number the total number of days of vacation leave with pay due to said officer or employee during the year in which such court leave with pay is granted.

TITLE XIII. SELECTIVE SERVICE AND MILITARY LEAVE

SECTION 13.01. GENERAL REQUIREMENTS.—Town employees with a minimum of six consecutive months employment with the Town who serve in the State or Federal military training forces under orders shall be allowed full pay for not more than ——— working days and shall be granted a military leave of absence for the period of their required service with said forces in excess thereof.

Military leave of absence with pay shall be granted to employees of the Town on occasion of their appearance before local draft boards or draft appeal boards, or for physical examinations ordered by said boards; but no such leave shall be granted for a period of more than one day without the approval of the Personnel [Board] [Department]. Such leave shall be deemed to be a military leave of absence.

A military leave of absence without pay shall be granted to any Town officer or employee called to active duty with the State or Federal armed forces for purposes other than the routine annual tour of duty for training purposes.

As used herein, the phrases "military training forces" or "armed forces" shall mean the United States Air Force, the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, the Massachusetts National Guard, the Massachusetts Air National Guard, the Massachusetts State Guard, and any and all components thereof.

SECTION 13.02. VETERANS' FUNERALS.—Town employees, who are veterans, shall be granted leave, without loss of pay, to attend the funeral or memorial services of a veteran, when so authorized by the Selectmen, without loss of pay, conformable to Section 111C of Chapter 41 of the General Laws.

TITLE XIV. SICK LEAVE PROVISIONS

SECTION 14.01. OCCUPATIONAL SICK LEAVE.—(a) Each employee, subject to Chapter 152 of the General Laws, pertaining to workmen's compensation, shall be entitled to the benefits of said Chapter.

(b) Each employee not covered by said Chapter 152, including firemen and policemen, who sustains injury or illness arising out of his employment in the Town service, shall be entitled to receive his full pay for the period of his incapacity. If such period exceeds thirty days, continued payment beyond such period shall be subject to approval by the Personnel [Board] [Department], which may require periodic written medical testimony supporting the claim of continued incapacity as a condition precedent to its approval.

SECTION 14.02. NON-OCCUPATIONAL SICK LEAVE.—The granting of non-occupational sick leave and the payment of compensation to persons on non-occupational sick leave shall be subject to the following provisions:

(a) The head of each department shall investigate and ascertain the validity of any request for non-occupational sick leave made by an employee of his department, and shall approve the same if he is satisfied as to the validity of such request. A physician's certificate may be required by the department head or by the Personnel [Board] [Department] in any case of non-occupational sick leave claimed hereunder.

(b) Non-occupational sick leave without pay may be granted to any temporary employee, but no such employee shall be entitled to non-occupational sick leave with pay.

(c) In the instance of permanent employees, and in the instance of employees provisionally appointed to permanent positions subject to the Civil Service Law, no non-occupational sick leave with pay shall be granted during the first three months of employment, but non-occupational sick leave without pay may be granted.

(d) A permanent employee, or an employee provisionally appointed to a permanent position subject to the Civil Service Law, who has been employed by the Town for more than three months, but less than one year, may be granted non-occupational sick leave with full pay for one week in any one calendar year. Such employees who have been employed by the Town for at least one year, but not more than two years, may be granted non-occupational sick leave with full pay for two weeks in any one calendar year. And such employees who have been employed by the Town for more than two years may be granted an additional three days of non-occupational sick leave with full pay for each successive full year of employment.

(e) In the instance of any part-time permanent employee, or in the instance of an employee provisionally appointed to a part-time permanent position subject to the Civil Service Law, non-occupational sick leave payments to such employee hereunder shall be on the same basis as is provided in paragraphs (c) and (d) above, but shall be pro-rated according to the number of hours or days of work per full-time week which such employee is normally required to perform. No payment shall be made on a claim under this paragraph until the basis of payment shall have been approved by the Personnel [Board] [Department].

(f) Payment of non-occupational sick leave benefits under this section shall not be initiated until the claim thereto by the employee shall have been approved by the Personnel [Board] [Department]. If the period of a non-occupational sick leave granted under this section shall exceed fifteen days, a physician's certificate may be required by the department head or by the Personnel [Board] [Department].

(g) Unused non-occupational sick leave shall not be cumulative from one year of employment to another.

(h) Any dispute as to the eligibility of an employee to non-occupational sick leave payments hereunder or as to the amount of such payments may be taken to the Personnel [Board] [Department] by the employee concerned, by the employing authority or by the Town Accountant, and the decision of the Personnel [Board] [Department] as to such dispute shall be final.

TITLE XV. MISCELLANEOUS LEAVE PROVISIONS

SECTION 15.01. BEREAVEMENT LEAVE.—Bereavement leave without loss of pay, not to exceed ——— days as the department head may determine,

may be granted by said department head to any officer or employee of the department on account of a death in the immediate family of such officer or employee.

SECTION 15.02. LEAVE WITHOUT PAY.—Except as otherwise provided in this By-Law, all leaves of absence shall be without compensation and shall be subject to the approval of the department head, and in the instance of any such leave exceeding two weeks, to the approval of the Personnel [Board] [Department]. Nothing in Section 11.01 to 15.01, inclusive, shall operate to reduce the compensation of officers elected by the Town.

TITLE XVI. PERSONNEL GRIEVANCE PROVISIONS

(If it is desired to include personnel grievance by-law provisions modelled on Appendix B in this Consolidated Personnel By-Law, pursuant to General Laws, c. 41, s. 108C, such by-law provisions may be inserted here, and numbered SECTION 16.01, SECTION 16.02, etc.).

TITLE XVII. AMENDMENTS AND SEVERANCE

(If the above personnel grievance provisions are not included, redesignate this TITLE XVI and renumber sections appropriately).

SECTION 17.01. AMENDMENTS.—It shall be Town policy to amend this By-Law only at an Annual Town Meeting, unless amendment at an earlier time shall be made clearly imperative by a specific provision of State Law. [This By-Law shall not be amended at a special Town Meeting except by a two-thirds vote of the said Town Meeting].

SECTION 17.02. SEVERANCE CLAUSE.—The provisions of this By-Law are hereby declared to be severable, and if any such provision or the application of any such provision to any person or circumstances shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not be construed to affect the validity, legality, or constitutionality of any of the remaining provisions or the application of said By-Law to persons or circumstances other than those as to which it is held invalid, illegal or unconstitutional.

APPENDIX C

MODEL PERSONNEL GRIEVANCE BY-LAW

Introductory Note:—This Appendix C presents a model personnel grievance by-law, or personnel relations review by-law, authorized by Section 21B of Chapter 40 of the General Laws. The by-law largely follows the terminology of the personnel grievance by-law in effect in the Town of Brookline, one of the few communities which has acted under Section 21B aforesaid. Appendix C follows the same use of section number suffixes, and brackets, employed in Appendix B to show alternative methods of by-law writing, or sample features. Since many of the functions of the Personnel Relations Review Board are defined by Section 21B of Chapter 40, there is no need to repeat such language in the by-law.

This Appendix omits the many different methods which may be followed in appointing the members of a Personnel Relations Review Board, fixing the number of such members, and determining their terms of office. The reader is referred to Appendix B for suggested alternatives represented by Sections 2.01*A* to 2.01*J* of the model personnel by-law.

Following the short model personnel grievance by-law, there appear excerpts from the Brookline Personnel Grievance Manual, indicating the type of administrative regulations to be made under the by-law.

BY-LAW PROVISIONS

SECTION 1.01A. PERSONNEL RELATIONS REVIEW BOARD.—There is hereby established a Personnel Relations Review Board, which shall have the powers and duties, and perform the functions, authorized by Section 21B of Chapter 40 of the General Laws, and which shall be subject to the limitations imposed by said Section 21B and by the By-Laws of the Town.

The Personnel Relations Review Board shall consist of . . . (Insert here the number of members, method of their appointment, and terms of office, desired, on basis of the model personnel by-law appearing in Appendix A).

The Personnel Relations Review Board may employ such clerical and other assistance, and make such expenditures as it deems necessary, subject to appropriation therefor. The Board shall make an annual report to the Town, and shall keep records of its proceedings; but such records shall not be open to public inspection except as may otherwise be required by state law. It shall not have jurisdiction over any matter belonging in the jurisdiction of the Personnel Board.

SECTION 1.01*B*. PERSONNEL BOARD TO ADMINISTER.—The Personnel Board of the Town shall constitute the Personnel Relations Review Board of the Town, and in that connection shall have the powers and duties, and perform the functions, assigned to such Personnel Relations Review Boards by Section 21B of Chapter 40 of the General Laws; and said Board shall, in the performance of its duties as Personnel Relations Review Board, be subject to the limitations imposed by said Section 21B and by the by-laws of the Town.

When sitting as a Personnel Relations Review Board, the Personnel Board shall keep a separate record of its proceedings, which shall not be open to public inspection except as may otherwise be required by State law.

SECTION 1.02. GRIEVANCE PROCEDURE.—There shall be a grievance procedure available to those employees of the town whose rights under the classification plan have, in their opinion, been prejudiced in any way and covering all other grievances except those that would properly be under the jursidiction of the Civil Service Commission or other duly established appeal board. As used in this section,

the word "grievance" shall be construed to mean dispute between an employee and his supervisors arising out of an exercise of administrative discretion by such supervisor or supervisors.

STEP I. The employee shall take up his grievance orally with his immediate supervisor who shall reach a decision and communicate it orally to the employee within two (2) working days.

STEP II. If the grievance is not settled at Step I, the employee shall within five (5) working days present his grievance in writing to his supervisor who shall forward it to the department head who shall hold a hearing within five (5) working days if required. At this hearing there shall be present the employee and one representative if he requests it, his supervisor, the department head and the chairman of the Personnel [Board] [Department] [Relations Review Board].

STEP IIA. If the grievance is not settled at Step II in those cases where the department involved is under the jurisdiction of a Board or Commission, Step II shall be reviewed before said Board or Commission with the same group in attendance.

STEP III. If the grievance is not settled at Step II or Step IIA, all records and facts in the case shall be referred to the Grievance Review Board for adjudication. Those present at Step II or Step IIA shall appear at this hearing. Within twenty (20) working days of the hearing, which shall be the next regular meeting of the board except in cases of emergency, the employee shall be notified in writing through the department head as to the decision of the board which will be final.

EXCERPTS FROM BROOKLINE PERSONNEL GRIEVANCE MANUAL

MATTERS INCLUDED IN THIS PROCEDURE

Employee problems which may arise are endless in their variety. Because of this, our employee relations policy cannot identify every type of grievance or cover every aspect of the work situation. Below are listed some of the types of grievances encompassed in this procedure. An employee may have reason to complain about:

1. The physical plant in which he works (lighting, sanitation, etc.)
2. Working conditions (dangerous methods, inadequate tools, work load, etc.)
3. His working relationship with fellow employees.
4. The application of civil service or departmental rules concerning leaves of absence, seniority, reinstatement, etc.

An employee should talk to his immediate supervisor about any problems covered by or similar to the matters listed above. We encourage employees to speak first to their immediate supervisors about any such grievances or complaints.

Most differences of opinion between an employee and a supervisor arise because of a lack of understanding between the employee and his supervisor. Calm and sensible discussion, in most cases, will clear up these misunderstandings and bring about a harmonious supervisor-employee relationship. This sort of settlement, without bringing in a third party, is, of course, the best way to settle any problem, grievance, or complaint. This can be done readily when both the supervisor and the employee adopt a proper attitude and show willingness to settle their differences intelligently and on a reasonable basis.

MATTERS NOT INCLUDED IN THIS PROCEDURE

There are certain types of employee problems which cannot be remedied through this procedure. These are handled through other established procedures

incorporated in the Civil Service Rules and Law. The employee's immediate supervisor or a higher authority will explain these other procedures to the employee if he should need to use them, such as: discharges, layoffs, removals, suspensions, etc.

REGULATIONS AS TO PROCEDURE

1. Normally, grievances shall be handled during the regularly scheduled working hours of the parties involved.

2. Any grievance shall be considered settled at the completion of any step if the aggrieved employee fails to appeal as provided.

3. The time limits in this procedure may be extended only by mutual consent of the parties involved.

4. Four separate forms may be required in processing a grievance.

   a. Step II Employee Grievance Form (to be used when oral discussion between employee and his supervisor does not settle the grievance). When the grievance is against the supervisor himself to whom the form would normally be forwarded, the employee should forward an extra copy of the form to the immediate superior of said supervisor.

   b. Step II Department Head Grievance Disposition Form (to be used by the department head in rendering his decision, affirmative or negative).

   c. Step III Grievance Appeal Form (to be used by employee in appealing from the decision of his department head to the Grievance Review Board).

   d. Grievance Review Board Disposition Form (to be used by the Grievance Review Board in rendering its decision, affirmative or negative).

The employee may obtain Step II and Step III Forms from either his department or the personnel director. They must be prepared in triplicate and distributed as indicated but in addition any party involved may make as many additional copies as he desires.

APPENDIX D

REFERENCE TABLE OF MASSACHUSETTS STATUTES RELATIVE TO MUNICIPAL PERSONNEL ADMINISTRATION

Introductory Note:—This Appendix D consists of a brief subject matter listing of the Massachusetts statutes governing municipal personnel administration, arranged according to Titles I to XVII appearing in the model personnel by-law of Appendix B. An additional Title XVIII is provided to accommodate matters not forming part of a model personnel by-law or ordinance, such as group insurance coverage for municipal employees. The actual full texts of these chapters (c.) and sections (s.) of law should be consulted by local officials preparing personnel codes or amendments thereto.

All citations refer to the Massachusetts General Laws (GL.), as amended, unless otherwise noted in any given instance. Except as otherwise indicated, all statutes are permissive; and a city or town may act under them without having to vote to accept their provisions. Acceptance statutes, so-called, are marked with an asterisk (*), and must be accepted by vote of the city council, town meeting or local electorate in each instance; none of these acceptance statutes contains a rescission clause whereby such acceptance may be cancelled by the local authorities later on. Mandatory statutes are designated by the small letter (m); such provisions must be complied with, whether accepted locally or not.

TITLE I. APPLICATION AND DEFINITIONS

Civil Service Law and Rules

Local Personnel by-laws not to contravene. GL. c. 41, s. 108A (m). Rules. Civil Service Commission to make rules implementing Civil Service Law, with approval of Governor and Council. GL. c. 31, s. 3. (m).

Personnel By-Laws

Attorney-General. Approval of local by-laws required, except for pay plan by-laws and consolidated personnel by-laws. GL. c. 40, s. 32; GL. c. 41, ss. 108A and 108C.

Consolidated personnel by-laws. Making of, by towns, regulated. GL. c. 41, s. 108C Compensation (pay) plans authorized. GL. c. 41, s. 108A.

Elected officials. Salaries may not be established by by-laws; must be fixed annually by vote of town. GL. c. 41, s. 108A. (m).

School Department employees. Not subject to municipal personnel by-laws or ordinances. GL. c. 40, s. 21A; GL. c. 41, s. 108A. (m).

TITLE II. PERSONNEL AGENCIES

Annual Reports of Municipal Agencies

Regulation. Town may regulate making of, by by-law. GL. c. 40, s. 21(12). Scope. Report to include such matter as town by vote or by-law, or Selectmen, require. GL. c. 40, s. 49.

Civil Service

Local enforcement. Municipality may appropriate money for. GL. c. 40, s. 8*.

Executive Secretary of Board of Selectmen

Service to other town agencies. With approval of Selectmen, may act as agent of other town boards. GL. c. 41, s. 23A.

Minutes of Boards

Keeping of. Municipal boards must keep records of proceedings. GL. c. 66, s. 6. (m). Public access to. Minutes, except of Welfare Board, must be kept open to public inspection. GL. c. 66, ss. 10 and 17A. (m).

Personnel Agencies

Administrative authority. May be established by by-law. GL. c. 41, s. 108C. Establishment. Town may by by-law, establish a Personnel Board or other agency to administer its personnel by-laws, and determine its organization. GL. c. 41, s. 108C.

Power to interpret personnel by-laws and regulations. GL. c. 41, s. 108C.

TITLE III. PERSONNEL RECORDS

Civil Service

Records of civil service personnel. Form subject to control by Director of Civil Service. GL. c. 31, s. 2A.

Payrolls

Audits:

By Director of Bureau of Accounts. GL. c. 44, s. 40. (m).

By Director of Civil Service. GL. c. 31, ss. 2A(j) and 31. (m).

Form regulated. GL. c. 44, s. 43. (m).

Power of Personnel Agency to Regulate, in manner not conflicting with law. GL. c. 41, s. 108C.

TITLE IV. HOURS, DAYS AND WEEKS OF WORK

Generally

General power to regulate. By ordinance or by-law. GL. c. 40, s. 21A. School employees. Not subject to ordinances or by-laws *re* hours, days and weeks of work. GL. c. 40, s. 21A. (m).

Firemen

Forty-eight hour week. May be established. GL. c. 48, s. 58B.*

General authority of municipality to regulate work week of firemen. By ordinance of by-law. GL. c. 48, s. 56.

One day off in five. In municipalities accepting Acts of 1912, c. 546 or Acts of 1915, c. 97. GL. c. 48, s. 57.*

Platoon system regulated. GL. c. 48, s. 59.

Seventy-hour week. GL. c. 48, s. 58A.*

Forty-Hour Week

For all employees, except firemen, police and school system employees. GL. c. 149, ss. 33A* and 33B.*

Laborers, Mechanics, Workmen, etc.

Eight-hour day. May be established. GL. c. 149, s. 31.*

Forty-eight hour week. May be established. GL. c. 149, s. 30.*

Police

Five day week. May be established. GL. c. 147, s. 16C.*

Forty-hour week. May be established. GL. c. 147, s. 17B.*

One day off in six. May be established. GL. c. 147, s. 16B.*

One day off in seven. May be established. GL. c. 147, s. 16A.*

One day off in eight. In certain municipalities. GL. c. 147, s. 16.*

One day off in fifteen. In certain municipalities. GL. c. 147, s. 15.*

One day off in thirty. In certain municipalities. GL. c. 147, s. 14.*

Saturday Working Hours

Saturday closings of municipal offices. May be regulated by City Council or Town Meeting. GL. c. 41, s. 110A.

Saturday Half-days. May be granted, without loss of pay, except in municipalities which have voted to accept GL. c. 149, s. 33A. GL. c. 41, s. 110.

Veterans

Memorial Day. Not to be required to work on, unless policeman or fireman. GL. c. 149, s. 44. (m).

TITLE V. EMPLOYMENTS, PROMOTIONS AND TRANSFERS

Appointments and Transfers

Civil Defense Act. Emergency hiring of personnel regulated. Acts of 1950, c. 639, s. 9. (m).

Civil Service Law personnel:

Appointment of civil service employees regulated, including promotions and seniority. GL. c. 31, ss. 15—20D, 36—41. (m).

Civil service examinations. Regulated. GL. c. 31, ss. 8—14. (m).

Mandatory application of law to city personnel:

Official and labor service of cities over 100,000 in population, GL. c. 31, s. 47. (m).

Official service of cities under 100,000 in population. GL. c. 31, s. 47. (m).

Plumbing Inspectors. To be subject to Civil Service Law. GL. c. 31, s. 4. (m).

Qualifications of applicants for civil service offices and positions. To be determined and passed upon by Director of Civil Service. GL. c. 31, s. 2A (e, g and l). (m).

Sealers and Deputy Sealers of Weights and Measures. In towns over 10,000 in population, and in cities. To be subject to Civil Service Law. GL. c. 31, s. 4. (m).

Voluntary extension of civil service coverage:

Firemen. Members of permanent force. GL. c. 31, s. 48.*

Labor service and/or official service of towns over 5,000 in population. GL. c. 31, s. 47.*

Labor service of cities under 100,000 in population. GL. c. 31, s. 47.*

Policemen. Members of permanent force. GL. c. 31, s. 48.*

Procedure for placing particular unspecified offices and positions in municipal service under Civil Service Law. GL. c. 31, s. 49A.*

Welfare Department employees. Subject to Civil Service Law. GL. c. 31, ss. 4 and 47C; GL. c. 41, ss. 32, 32A and 33. (m).

School Department employees. To be hired, and may be removed, by School Committee, subject to certain conditions. GL. c. 43, s. 32; GL. c. 71, s. 38. (m).

Veterans' preference:

Civil service positions. Regulated. GL. c. 31, ss. 21-28. (m).

Employment and re-employment rights, in civil service and non-civil service positions. Acts of 1941, c. 708, ss. 2-26. (m).

Non-civil service positions. Regulated. GL. c. 41, ss. 112 and 112A.

Bonds of employees

Appropriations to pay insurer's charges for surety bonds authorized. GL. c. 40, s. 5(1).

Surety bonds regulated. GL. c. 41, s. 109A. (m).

Town Clerk's bond regulated. GL. c. 41, s. 13. (m).

Licensing Laws Applicable to Certain Personnel

Architects. GL. c. 112, ss. 60A-60. (m).

Barbers. GL. c. 112, ss. 87F-87S. (m).

Boiler Inspectors. GL. c. 146, ss. 46-67. (m).

Boiler and engine operators. GL. c. 146, ss. 46-67. (m).

Certified Public Accountants. GL. c. 112, ss. 87A-87E.

Chiropodists. GL. c. 112, ss. 13-22. (m).

Civil or Professional Engineers. GL. c. 112, ss. 81D-81T.

Dentists. GL. c. 112, ss. 43-53. (m).

Dental Hygienists. GL. c. 112, ss. 43-53. (m).

Drug Distributors. GL. c. 112, ss. 36A-42A. (m).

Electricians. GL. c. 141, ss. 1-9. (m).

Firemen-engineers. GL. c. 146, ss. 46-66. (m).

Hairdressers. GL. c. 112, ss. 87U-87KK. (m).

Nurses. GL. c. 112, ss. 74-81C. (m).
Opticians. GL. c. 112, ss. 73C-73L. (m).
Optometrists. GL. c. 112, ss. 66-73B. (m).
Pharmacists. GL. c. 112, ss. 24-36. (m).
Physical Therapists. GL. c. 112, ss. 23A-23D.
Physicians. GL. c. 112, ss. 2-12A. (m).
Plumbers. GL. c. 142, s. 3. (m).
Plumbing Inspectors. GL. c. 142, s. 11. (m).
Podiatrists. GL. c. 112, ss. 13-22. (m).
Practical Nurses. GL. c. 112, s. 80A. (m).
Sanitarians. GL. c. 112, ss. 87LL-87DDD. (m).
Surgeons. GL. c. 112, ss. 2-12A. (m).
Surveyors of Land. GL. c. 112, ss. 81D-81T.
Veterinarians. GL. c. 112, ss. 54-60. (m).

Oaths of Office

Loyalty Oath to Federal and State Constitutions. GL. c. 264, s. 14. (m).
Teacher's Oath Law. GL. c. 71, s. 30A. (m).

Resignations and Removals from Office

Civil Service Personnel, removals and disciplining. GL. c. 31, ss. 43, 45, 45A, 46A, and 46C. (m).

Civil service personnel, separation from service. GL. c. 31, ss. 46G-46I. (m).

Elected officials. Term to commence day following election to city or town offce, unless otherwise provided by statute. GL. c. 41, s. 107. (m).

School teachers, supervisors and superintendents. Removal and discharge regulated. GL. c. 71, ss. 42 and 42A. (m).

Vacancies created by resignation or removal of incumbent from city or town. Regulated. GL. c. 41, s. 109. (m).

Tenure Laws

Civil service employees. GL. c. 31, s. 43(a). (m).

School teachers and other educator personnel of school system. GL. c. 71, ss. 41, 42 and 42A. (m).

Town Clerks. Life tenure for, if approved by voters. GL. c. 41, s. 19B.*

Veterans' Tenure. GL. c. 41, s. 112A.*

TITLE VI. CLASSIFICATION PLAN

Authority to Establish

General authority of municipality, by ordinance or by-law, to establish a classification plan for all offices and positions except: (1) elected officers, (2) School Department positions, (3) offices and positions classified by Director of Civil Service. GL. c. 41, ss. 108A and 108C.

Consolidation of Classification Plan with other personnel by-laws authorized. GL. c. 41, s. 108C.

Civil service offices and positions

Classification Plan for local civil service must be established by Director of Civil Service, with approval of Civil Service Commission. GL. c. 31, s. 2A(b). (m).

Position Qualifications. Subject to approval of Director of Civil Service. GL. c. 31, s. 2A(d).

Standards for civil service offices and positions. To be established by Director of Civil Service. GL. c. 31, s. 2A(f). (m).

Status of Welfare Department Personnel regulated. GL. c. 31, ss. 2A(G), 47D and 47E.

Public Beach Districts

Status of employees. To be deemed employees of the cities and towns wherein they reside. GL. c. 40, s. 12F. (Thus subject to local pay plan).

TITLE VII. COMPENSATION PLAN

Authority to Establish

General authority of municipality, by ordinance, by-law or vote of the Town Meeting, to establish a compensation plan for employees other than elected officers and School Department personnel. GL. c. 41, s. 108A.

Civil service offices and positions may be included subject to certain restrictions. GL. c. 31, s. 2A(b); GL. c. 31, ss. 47D and 47E; GL. c. 41, s. 108C.

Consolidation with other personnel by-laws authorized. GL. c. 41, s. 108C.

Civil Service Offices and Positions

Compensation plan for civil service personnel. *Must* be established by municipality for all offices and positions classified by the Director of Civil Service. GL. c. 31, s. 2A(b). (m).

Consolidated with compensation plans under GL. c. 41, s. 108A authorized. GL. c. 41, s. 108C.

Rules and regulations. Municipal rules and regulations governing the compensation of civil service personnel subject to certain requirements. GL. c. 31, s. 2A(b). (m).

Welfare Department personnel. Compensation status under Welfare Compensation Plan regulated. GL. c. 31, ss. 2A(b), 47D and 47E. (m., except 47E).

Elected Officers

Compensation plan may not include. GL. c. 41, s. 108A.

Compensation to be fixed annually by vote of town. GL. c. 41, ss. 108 and 108A. (m).

Compensation may be retroactive. GL. c. 41, s. 108.

School Committee members to receive no compensation. GL. c. 71, s. 52. (m).

Holidays of Employees

Firemen. To be given additional day off, or extra day's pay, for working on legal holiday. GL. c. 48, s. 57A.*

Massachusetts legal holidays defined. GL. c. 4, s. 7, clause 18.

Police. To be given compensatory time off, or extra day's pay, for working on legal holiday. GL. c. 147, s. 17A.*

Overtime. (See also "Holiday of Employees" above).

Authority to define, by by-law. GL. c. 40, s. 21A.

Firemen. To be given compensatory time off, or extra pay at not less than straight-time, for overtime worked. GL. c. 48, s. 58C. (m).

Police. To be given compensatory time off, or extra pay at not less than straight-time, for overtime work. GL. c. 147, s. 17C.

To be paid for time in excess of five-day forty-hour week at not less than straight-time. GL. c. 147, s. 17B.*

Overtime to be paid to policemen on straight-time basis. GL. c. 41, s. 111H.*

Public works employees (laborers, mechanics, etc.). Overtime to be paid to all who work more than a five-day forty-hour week. GL. c. 149, ss. 33A* and 33B*.

Retroactivity of Pay Increases

Elected officers. Increases retroactive to January first permitted. GL. c. 41, s. 108.

Employees in municipalities not having compensation plan under GL. c. 41, s. 108A. Retroactive pay increases not permitted (See Mass. Municipal Personnel Boards Assoc. Information Bulletin No. 2, October 7, 1957).

Employees in municipalities not having compensation plan under GL. c. 41, s. 108A. Pay may, subject to certain restrictions, be made retroactive to January first. GL. c. 41, s. 108.

Salaries and Wages of Decedents

Payment to estate or next of kin regulated. GL. c. 41, s. 111-I.

Salary and Wage Fixing by Department Heads

In municipalities not having compensation plan. Regulated. GL. c. 41, s. 108.

Salary and Wage Increases

Election year restriction in cities. Two-thirds vote of City Council required; increases must be operative for more than three months. GL. c. 44, s. 33A. (m).

Step-rate increments or increases:

Compensation plan may provide, based on length of service. GL. c. 41, s. 108A.

Optional step-rate plan for Welfare Department personnel. GL. c. 31, s. 47E.*

Salaries of Certain Officials

Assistant City or Town Auditors and Accountants. Salary to be paid by City Auditor, Town Auditor or Town Accountant, and not by municipality. GL. c. 41, s. 49A. (m).

Assistant Town Clerks. Salary to be paid by Town Clerk in towns under 20,000 population, and not by Town. GL. c. 41, s. 19. (m).

School teachers. Minimum salary established. GL. c. 71, s. 40. (m).

Town Accountant, Town Auditor, City Auditor. Special salary for service as member and secretary of Municipal Contributory Retirement Board established ($200-$500). (Not subject to regulation by City Council or Town Meeting.) GL. c. 32, s. 20 (4).

Town board member. Special pay when appointed to serve at same time in another town office or postion, regulated. GL. c. 41, s. 4A.

Weekly Payment of Laborers' Wages

Wages of laborers, mechanics, workmen, custodians and janitors required to be paid on weekly basis. GL. c. 149, s. 148. (m).

TITLE VIII. CONTINUING STUDY OF EMPLOYEES' PAY, HOURS AND WORKING CONDITIONS

Employees' Right of Petition

As citizens of the Town, guaranteed. GL. c. 39, s. 10. (m).

Civil service personnel. Right of petition, and right to appear before municipal committees, guaranteed. GL. c. 31, s. 46K. (m).

Personnel Agency

Advisory responsibilities, in towns. GL. c. 41, s. 108C.

TITLE IX. EXPENSE ALLOWANCES

Travel Expenses

Appropriations to pay for, authorized. GL. c. 40, s. 5(34).

TITLE X. FEES OF MUNICIPAL OFFICERS

Cities

Officers may, by ordinance be required to pay their fees of office into the city treasury. GL. c. 41, s. 108.

Towns

Town officers may, by by-law, be required to pay their fees of office into the town treasury. GL. c. 40, s. 21(13).

TITLE XI. VACATION PROVISIONS

Authority to Regulate

City, by ordinance and town by by-law, may regulate. GL. c. 40, s. 21A.

School Department employees. Not subject to municipal vacation ordinances or by-laws. GL. c. 40, s. 21A.

Firemen and Policemen

Two week vacation after six months of service. GL. c. 41, s. 111A.*

Three week vacation after five years of service, and four week vacation after nine years of service. GL. c. 41, s. 111D.*

Laborers, Mechanics, Craftsmen, and Civil Service Personnel

Two week vacation after thirty weeks of service. GL. c. 41, s. 111.*

Vacation schedule as follows: two week vacation for those with service of thirty weeks through four years; three week vacation for those with five through nine years of service; four week vacation for employees with ten or more years of service. GL. c. 41, s. 111G. (Municipality must also accept ss. 111 and 111G).

Miscellaneous Requirements

Unused vacation leave credit payments. Authorized for personnel subject to GL. c. 41, ss. 111, 111A, 111D and 111G. GL. c. 41, s. 111E.*

Vacations of employees on military duty. Not to be reduced by reason of required military service, including training duty service. GL. c. 33, s. 59.*

TITLE XII. COURT LEAVE PROVISIONS

Authority to Regulate

City, by ordinance, and town, by by-law, may regulate, except for School Department employees. GL. c. 40, s. 21A.

TITLE XIII. SELECTIVE SERVICE AND MILITARY LEAVE

Employees Absent by Reason of Military Duty or Selective Service Examination

Leave of absence to be granted. Acts of 1941, c. 708, s. 1. (m).

Leaves of absence rights of employees not to be diminished by reason of military service. GL. c. 33, s. 59.*

Military leave with pay, for not more than seventeen days. To be granted to employees on military service with federal or state armed forces, including annual military training camp duty. GL. c. 33, s. 59.*

Veterans' Funerals and Memorial Services

Employees who are war veterans, with approval of Mayor or Selectmen, may attend without loss of pay. GL. c. 41, s. 111C.

TITLE XIV. SICK LEAVE PROVISIONS

Occupational Sick Leave

Appropriations. Municipality may appropriate money to pay its expenses under the Workmen's Compensation Law (GL. c. 152). GL. c. 40, s. 5(1).

Firemen and Police. Paid sick leave must be granted to firemen and policemen incapacitated in line of duty, but not to any fireman or policeman who has been retired. GL. c. 41, s. 111F. (m).

Police. Municipality may appropriate money to pay hospital, medical and surgical expenses of policemen injured or disabled in line of duty. GL. c. 40, s. 5(32).

Self-insurer status. Municipality may become a self-insurer under the Workmen's Compensation Law. GL. c. 40, s. 13A.

Workmen's Compensation Law. GL. c. 152, ss. 1-75. (m).

Non-occupational Sick Leave

Cumulative paid sick leave for laborers, workmen, mechanics and foremen. To be allowed fifteen days per year, cumulative subject to limits and regulations established by City Council or Selectmen. GL. c. 41, s. 111B.*

Sick Leave In General

City, by ordinance, and town by by-law, may regulate. GL. c. 40, s. 21A.

School Department personnel. Not subject to municipal sick leave ordinances or by-laws. GL. c. 40, s. 21A.

TITLE XV. MISCELLANEOUS LEAVE PROVISIONS

Authority to Regulate

City, by ordinance, and town, by by-law, may regulate holiday leave and other leaves of absence, of municipal personnel other than School Department employees. GL. c. 40, s. 21A.

Civil Service Employees

May not be granted a leave of absence for more than three months in any period of twelve consecutive months, except for illness, without approval of Director of Civil Service. GL. c. 31, s. 46E. (m).

TITLE XVI. PERSONNEL GRIEVANCE PROVISIONS

Personnel Relations Review Board

Authority of municipality to establish. By ordinance or by-law. GL. c. 40, s. 21B.

Personnel Board may function as. GL. c. 41, s. 108C.

Activities of Board

Authority to adjust employee grievances, subject to certain restrictions. GL. c. 40, s. 21B.

Funds for adjustment of grievances authorized. GL. c. 40, s. 21B.

TITLE XVII. AMENDMENTS AND SEVERANCE

Amendments May Not Be Prohibited in Towns

Town Meeting warrant. Article must be inserted in annual town meeting warrant if signed by ten or more taxpayers; and in special town meeting warrant if signed by one hundred or more registered voters or 10% of the registered voters, whichever is the lesser number. GL. c. 39, s. 10. (m).

Special Town Meeting. Must be called if petitioned for by one hundred or more registered voters or 10% of the registered voters, whichever number is the lesser. GL. c. 39, s. 10. (m).

TITLE XVIII. MATTERS NOT INCLUDED IN THE FOREGOING

Appropriations and Expenditures for Personnel

City budget estimates. Must show salary and wage requirements. GL. c. 44, ss. 32(1)(a) and 33A. (m).

Expenditures between end of fiscal year and next town meeting. Authorized at rate of 1/12 of previous annual budget, per month. GL. c. 44, s. 13. (m).

Illegal appropriations. To be restrained by courts on petition of ten taxpayers. GL. c. 40, s. 53. (m).

Illegal expenditures. Municipal officer may not incur liabilities in excess of his appropriation, except in certain emergencies. GL. c. 44, s. 31. (m).

Town budget estimates. Must be filed with Town Accountant at least ten days before end of fiscal year. GL. c. 41, s. 59. (m).

Transfers of appropriations in towns. Regulated. GL. c. 44, s. 33B. (m).

Insurance

Group Blanket Insurance of Employees under GL. c. 32B:

General provisions. Life insurance for employee, up to $2,000 authorized. Accidental death and dismemberment insurance of such employees authorized. Hospital, medical and surgical insurance authorized for employees and their families (except children aged nineteen or older). Each employee to pay 50% of the premium due; and city or town to pay balance until employee retires. County Commissioners to regulate certain aspects of insurance policies. GL. c. 32B, ss. 1-14.*

Appropriations to pay municipal share of costs of Chapter 32B coverage authorized. GL. c. 40, s. 5(44A).

Employees' Group Insurance Advisory Committee. To be established in every city or town accepting c. 32B. GL. c. 32B, s. 3.

Group Life Insurance of Permanent Employees under GL. c. 175, ss. 133-138A.

Appropriations to pay municipal share of costs authorized. GL. c. 40, s. 5(44).

Extent of coverage regulated. $1,000 maximum coverage for employee with annual salary under $2,000; $2,000 maximum for employees with greater salaries. Employee to pay 50% of premium. GL. c. 40, s. 5(44).

Indemnity Insurance Against Damages Arising out of Official Duties.

Employees operating municipal automobiles, vehicles and vessels. GL. c. 41, s. 100A*; GL. c. 40, s. 5(1).

Firemen and policemen. GL. c. 41, s. 100.

Retired firemen and policemen. GL. c. 41, s. 100B.*

Town and City Treasurers and Tax Collectors. Against loss of municipal monies, through no fault of such Treasurer or Collector. GL. c. 40, s. 5(1).

Joint Contracts

Two or more municipalities may contract with one another for common provision of government services. Status of employees regulated. GL. c. 40, s. 4A.

Municipal Employees Suggestion Award Systems

Awards authorized and regulated. GL. c. 40, s. 5(43).

Employees' Suggestion Award Committee authorized. GL. c. 40, s. 5(43).

Penalties

Violation of By-Laws. Fine not exceeding $20, as determined by by-law. GL. c. 40, s. 21.

Violation of Civil Service Law and Rules. Fine of $100 to $1,000. GL. c. 31, s. 51.

Retirement Law

General provisions. GL. c. 32, ss. 1-97.* (Acceptance provided in s. 28.)

Municipal Contributory Retirement Board. Organization and duties. GL. c. 32, s. 20(4).

Uniforms

Firemen and Police. Municipality may appropriate funds for purchase of uniforms. GL. c. 40, s. 6B.*

APPENDIX E

SAMPLE JOB SPECIFICATIONS
SOCIAL WORKER

DUTIES: Under supervision, in accordance with well-defined rules and regulations, to determine eligibility and extent of need of applicants and recipients for public assistance and welfare service by investigations and home visits; to make recommendations for assistance, and to render, or assist in the utilization of welfare services; and to perform related work as required.

Examples of duties: Investigates eligibility and extent of need and develops plans of assistance of applicants for and recipients of public assistance, through interviews, home visits, and inquiries of relatives, employers, and representatives of other social agencies and of the community; obtains documentary evidence pertaining to eligiblity and resources of applicants, such as records of birth, marriage, property, monetary resources; assists applicants and recipients in utilizing of other financial health and social service resources, and in realizing potentialities for rehabilitation within the family; determines extent of need on a family budget basis according to standards of assistance, rules, regulations, and policies, and makes recommendations as to initial assistance payments and subsequent changes or discontinuances of assistance; advises recipients as to use of assistance; makes periodic reinvestigations of eligibility and extent of need; writes or dictates and currently maintains complete case records and conducts related correspondence; attends staff meetings and consults with superior in working out plans of assistance; interprets the public assistance program and its limitations to individuals in the community; makes full investigations of the legal settlement status of clients.

Applicants must have an understanding of the causes and problems of dependency and family insecurity including the economic, social, health, and psychological problems; some understanding of public assistance programs and related laws; some understanding of methods and principles of public assistance casework; some knowledge of social resources; an understanding of attitudes and behavior; an aptitude for dealing with people.

ENTRANCE REQUIREMENTS: Applicants who have not reached their twenty-first birthday on the date of examination will not be eligible to apply. A certificate of date of birth must be filed with the application UNLESS one has been filed with a previous application.

Two years of satisfactory full-time, paid employment within the last ten years in social casework in a recognized public or private social agency. SUBSTITUTIONS: (1) Education in a recognized college or university may be substituted for the specified experience on the basis of two years of education for one year of experience.* (2) Full-time training in a recognized school of social work may be substituted for the specified experience year for year. (3) Satisfactory full-time, paid employment within the last ten years in a recognized professional capacity in the fields of social welfare, education, or public health, or satisfactory experience within the last ten years as a member of a local Board of Public Welfare or Bureau of Old Age Assistance who has regularly engaged in the investigation of eligibility and need for public assistance, may be substituted for the specified social casework experience on the basis of two years of such experience for one year of social casework. (4) Satisfactory full-time, paid employment within the last ten years in a public assistance agency in clerical work directly related to social casework may be substituted for the specified full-time social casework experience on the basis of three years of such experience for one year of full-time, paid social casework experience. Such work must have been on a continuous basis and must have been directly concerned with one or more of the following programs administered under

Massachusetts Law: Old Age Assistance, Aid to Dependent Children, Disability Assistance, General Relief, Aid to the Blind, or Veterans Benefits.

In any of the above instances, where experience is required to have been had within the past ten years, credit may be given for such experience prior to the last ten year period on the basis of two years of such prior experience for one year of such experience within the ten-year period.

*One year of education is equal to 30 semester hours' credit or the equivalent in term-hours, quarter-hours, points, major or courses.

PUBLIC HEALTH NURSE

DUTIES: To perform the regular duties of a public health nurse; and to perform related work as required.

Examples of duties: Performing direct nursing service and any professional nursing work required by the ——— Department of Public Health in homes, clinics, schools and conferences, including prevention and control of communicable diseases, pre-natal, post-natal, infant welfare, preschool and school nursing services, and psychiatric and pediatric nursing, including orthopedic and cardiac conditions; practicing the social and health aspects of nursing, both physical and mental, through an integrated program of instruction in homes, classrooms, and clinics with appropriate use of community facilities.

The following are required: Knowledge of present-day public health nursing practice, including its underlying principles and techniques; ability to recognize physical defects and symptoms of diseases in individuals who should be referred to proper medical authority; knowledge of the incidence, cause (if known), and modern control measures relating to communicable diseases; basic knowledge of maternal hygiene, and child health and development (infant, preschool, and school age); general knowledge of hygiene, including physical and mental hygiene, nutrition, dental hygiene, and environmental sanitation; knowledge of State health laws and regulations, and State resources.

ENTRANCE REQUIREMENTS: Applicants must have at least one year of full-time, paid experience under supervision as a public health nurse in a recognized agency. SUBSTITUTIONS: The required experience may be substituted by (1) a bachelor's degree from a recognized school of nursing for completion of the program for the preparation of nursing students for public health nursing staff positions in community health agencies, or by (2) a minimum of thirty semester hours of college credit for training in a recognized school of nursing in a public health nursing program, including supervised field work, for the preparation of graduate nurses for staff positions in community health agencies.

APPENDIX F

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